3007

SUPREME COURT OF THE UNITED STATES.

No. 164.

THE UNITED STATES, APPELLANTS,

vs.

JAMES R. BOLTON, APPELLEE.

APPEAL FROM THE U. S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered, that on this first day of March, Anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of James R. Bolton, for the place named "Mission Dolores," was presented, and ordered to be filed and docketed with No. 81, and is as follows, to wit:

(Vide page 11 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *May* 3, 1852.

In case No. 81, James R. Bolton, for the Mission Dolores, the deposition of José Maria Covarrubias, a witness on behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed:

(Vide page 12 of this transcript.)

SAN FRANCISCO, *May* 12, 1852.

In the same case, the secretary filed the translation of the document "A" annexed to the deposition of José Maria Covarrubias, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, and filed May 3, which is as follows, to wit:

(Vide page 311 of this transcript.)

SAN FRANCISCO, *July* 29, 1852.

In the same case, the secretary filed the translation of document "B," annexed to the deposition of José Maria Covarrubias, taken before Commissioner Harry J. Thornton, May 1, 1852, which, marked as exhibit C, is as follows, to wit:

(Vide page 307 of this transcript.)

SAN FRANCISCO, *October* 13, 1853.

In the same case, the deposition of William A. Richardson, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, with document (map) marked "A. Thompson Campbell" annexed thereto, was filed:

(Vide page 16 of this transcript.)

SAN FRANCISCO, *November* 1, 1853.

In the same case, the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 18 of this transcript.)

SAN FRANCISCO, *May* 9, 1854.

In the same case, the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(Vide page 22 of this transcript.)

SAN FRANCISCO, *July* 10, 1854.

In the same case, the depositions of Pio Pico, Juan N. Padilla, Agustin Olvira, and Narciso Botillo, witnesses in behalf of the claimant, taken before Commissioner G. T. Burrell, were filed:

(Vide pages 29, 30, 33, and 34 of this transcript.)

SAN FRANCISCO, *August* 7, 1854.

In the same case, the deposition of Benito Diaz, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(Vide page 37 of this transcript.)

SAN FRANCISCO, *October* 10, 1854.

Case No. 81 was ordered to be placed at the foot of the 2d class cases on the trial docket.

SAN FRANCISCO, *November* 3, 1854.

In the same case, the depositions of Vicente Miramontes, Domingo Feliz, and Francisco Sanchez, witnesses in behalf of the United States, taken before Commissioner Peter Lott, were filed:

(Vide pages 49, 39, and 45 of this transcript.)

SAN FRANCISCO, *November* 6, 1854.

In the same case, the depositions of Tiburcio Vasquez, Candelario Valencia, José de la Cruz Sanchez, and José de Jesus Noé, witnesses in behalf of the United States, taken before Commissioner Peter Lott, were taken:

(Vide pages 53, 60, 66, 72 of this transcript.)

SAN FRANCISCO, *November* 7, 1854.

In the same case, the deposition of William Carey Jones, a witness in behalf of the United States, taken before Commissioner Alpheus Felch, was filed:

(Vide page 76 of this transcript.)

SAN FRANCISCO, *November* 9, 1854.

In the same case, the depositions of Torivio Tanfarán and Eustaquio Valencia, witnesses in behalf of the United States, taken before Commissioner Peter Lott, were filed:

(Vide pages 80 and 86 of this transcript.)

SAN FRANCISCO, *November* 11, 1854.

In the same case, the depositions of Edward G. Buffman and Adam Johnson, witnesses in behalf of the United States, taken before Commissioner Peter Lott, were filed:

(Vide pages 89 and 93 of this transcript.)

SAN FRANCISCO, *November* 14, 1854.

In the same case, the deposition of José S. Berreyesa, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(Vide page 98 of this transcript.)

In the same case, the deposition of George W. Wright, a witness in behalf of the United States, taken before Commissioner Peter Lott, with document marked Exhibit "A, PL," annexed thereto, was filed:

(Vide page 94 of this transcript.)

SAN FRANCISCO, *November* 18, 1854.

In the same case, the deposition of Joseph S. Alemany, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(Vide page 111 of this transcript.)

SAN FRANCISCO, *November* 21, 1854.

In the same case, the United States Law Agent filed the following affidavit, to wit:

(Vide page 686 of this transcript.)

Which, having been considered, the case was continued.

In the same case, the deposition of M. G. Vallejo, a witness in behalf of the claimant, taken before Commissioner Peter Lott, with documents marked exhibit "A," "B," "C," "D," "E," "X," "PL," annexed thereto, was filed:

(Vide page 117 of this transcript.)

SAN FRANCISCO, *November* 27, 1854.

In the same case, the depositions of Thomas E. Evershed, Henry W. Halleck, and Antonio Ma. de la Guerra, witnesses in behalf of the claimant, taken before Commissioner Peter Lott, the last with document marked "B, PL," annexed thereto, was filed:

(Vide pages 139, 142, and 146 of this transcript.

SAN FRANCISCO, *November* 28, 1854.

In the same case the United States law agent filed the following affidavit, to wit:

(Vide page 687 of this transcript.)

and moved the continuance of the case.

In the same case, the counsel for the claimant, filed the following affidavit, opposing said motion, to wit:

(Vide page 683 of this transcript.)

Which motion having been sustained, it is ordered, that the case be passed, informally, and continued until Tuesday, the 10th day of December next.

In the same case, the deposition of Aaron Vandom, a witness in behalf of the claimant, taken before Commissioner Peter Lott, with documents marked "A, PL," "B, PL," "C, PL," "D, PL," annexed thereto, was filed:

(Vide page 150 of this transcript.)

SAN FRANCISCO, *December* 2, 1854.

In the same case, the deposition of José Matias Moreno, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 713 of this transcript.)

SAN FRANCISCO, *December* 12, 1854.

In the same case, the deposition of Alfred Green, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed:

(Vide page 158 of this transcript.)

SAN FRANCISCO, *December* 19, 1854.

In the same case, the deposition of Presentacion Miranda de Ridley, a witness in behalf of the United States, taken before Commissioner Alpheus Felch, was filed:

(Vide page 181 of this transcript.)

In the same case, the depositions of Elam Hydenfeldt and Frederick P. Tracy, witnesses in behalf of the United States, taken before Commissioner Peter Lott, the last with documents marked "Exhibits A & B, PL," annexed thereto, were filed:

(Vide pages 162 and 179 of this transcript.)

SAN FRANCISCO, *December* 28, 1854.

In the same case, the deposition of Cayetano Aunas, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(Vide page 190 of this transcript.)

SAN FRANCISCO, *January* 2, 1855.

In the same case, the deposition of Francisco Rodriguez, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed:

(Vide page 197 of this transcript.)

SAN FRANCISCO, *Jan.* 9, 1855.

In the same case, the deposition of Julius K. Rose, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed:

(Vide page 207 of this transcript.)

SAN FRANCISCO, *Jan.* 3, 1855.

In the same case, the deposition of John J. Vioget, a witness in behalf of the United States, was filed:

(Vide page 203 of this transcript.)

SAN FRANCISCO, *January* 30, 1855.

In the same case, the deposition of Antonio Ma. Pico, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 209 of this transcript.)

SAN FRANCISCO, *February* 9, 1855.

In the same case, the depositions of Edward Murry and Peter T. Sherrebuk, witnesses in behalf of the claimant; the first taken before Commissioner Alpheus Filch, and the last before Commissioner Peter Lott, were filed:

(Vide pages 211 and 215 of this transcript.)

SAN FRANCISCO, *February* 12, 1855.

In the same case, the deposition of José Ramon Carrillo, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 224 of this transcript.)

SAN FRANCISCO, *February* 13, 1855.

In the same case, the deposition of José Castro, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(Vide page 227 of this transcript.)

SAN FRANCISCO, *February* 14, 1855.

In the same case, the deposition of Canuto Salazar, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 230 of this transcript.)

SAN FRANCISCO, *February* 19, 1855.

In the same case, the depositions of Mary Love and Eugene La Rochu, witnesses in behalf of the claimant, taken before Commissioner Peter Lott, were filed:

(Vide pages 233 and 237 of this transcript.)

In the same case, the deposition of Ambrose S. Moses, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed:

(Vide page 245 of this transcript.)

SAN FRANCISCO, *February* 20, 1855.

In the same case, the depositions of William F. Swazey and William R. Russham, witnesses in behalf of the claimant, taken before Commissioner Peter Lott, were filed:

(Vide pages 241 and 256 of this transcript.)

In the same case, the depositions of Charles Chapman and Eusebio Librian, witnesses in behalf of the United States, taken before Commissioner Peter Lott, were filed:

(Vide pages 250 and 253 of this transcript.)

SAN FRANCISCO, *February* 26, 1855.

In the same case, the deposition of George Stoneman, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed:

(Vide page 258 of this transcript.)

SAN FRANCISCO, *March* 2, 1855.

In the same case, the deposition of José Castro, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed:

(Vide page 261 of this transcript.)

SAN FRANCISCO, *March* 6, 1855.

In the same case, the depositions of E. O. Crosby and Charles V. Stewart, witnesses in behalf of the United States, taken before the commissioners sitting as a board, were filed:

(Vide pages 264 and 265 of this transcript.)

SAN FRANCISCO, *March* 7, 1855.

In the same case, the hearing was resumed, and the deposition of Michael T. O'Connor was taken before the board. (Page 281.)

SAN FRANCISCO, *March* 8, 1855.

In the same case, the hearing was resumed, and the testimony, by deposition, of Antonio Bujan taken; argument on both sides

waived; the case submitted on briefs to be filed, and taken under advisement by the board.

In the same case, the United States law agent filed the following stipulation, to wit:

(Vide page 689 of this transcript.)

In the same case, the counsel for the claimants filed the following stipulation, to wit:

(Vide page 688 of this transcript.)

In the same case, the depositions of Antonio Bujan and Michael T. O'Connor, witnesses in behalf of the United States, the last with documents marked Exhibits "A, PL," and "C, PL," annexed thereto, both taken before the commissioners sitting as a board, were filed:

(Vide pages 277 and 281 of this transcript.)

SAN FRANCISCO, *June* 5, 1855.

In the same case, Commissioner S. B. Farwell delivered the opinion of the board confirming the claim.

(Vide page 733 of this transcript.)

And the following order was made, to wit:

(Vide page 747 of this transcript.)

SAN FRANCISCO, *June* 15, 1855.

In the same case, the counsel for the claimant, John W. Dwinelle, esq., filed the following notice of substitution, to wit:

(Vide page 711 of this transcript.)

Petition.

To the Honorable the Commissioners for ascertaining and settling private land claims in the State of California:

The petition of James R. Bolton, of the city of San Francisco, respectfully shows:

That he is the claimant of the lands hereinafter specified, commonly known as the common lands and houses of the Mission Dolores; that the original claimant thereof was José Prudencio Santillan, who granted the same to your petitioner.

That your petitioner claims the same in fee simple absolute.

That the original grant of the same was made to the said José Prudencio Santillan by Pio Pico, acting governor of the department of California, by grant bearing date on the 19th day of February, A. D. 1846, of which a copy is hereto annexed, marked A.

And a translation thereof marked B, and a grant of the same

land, with the exceptions therein noted, was afterwards made by the said Santillan to this petitioner, bearing date on the 11th day of April, A. D. 1850, a copy of which is hereto annexed, marked C, and a translation thereof marked D.

That the said granting officer acted under authority of acts of the supreme government and congress of the Mexican republic, and of acts of the departmental assembly of the Californias.

That the quantity of land claimed is three sitios of ganado mayor, more or less, being the said lands set out by their boundaries in the said documents C and D, saving thereout the exceptions therein made in the same.

That this petitioner is not aware that any of the lands so claimed by him are claimed by any other person.

Dated at San Francisco, March 1st., A. D. 1852.

JAMES R. BOLTON,
By JOHN W. DWINELLE, and
CHATWOOD, EDWARDS & ROSE, *Counsel.*

Filed in office March 1st, 1852.

GEORGE FISHER, *Secretary.*

Recorded in Journal, vol. 1, pp. 276 and 277.

GEORGE FISHER, *Secretary.*

Deposition of José M. Covarrubias.

SAN FRANCISCO, *May* 1, 1852.

On this day, before me, Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in the State of California, came José Maria Covarrubias, a witness produced in behalf of the claimant, James R. Bolton, whose petition is No. 81 on the docket of the board, and after being duly sworn, testified as follows:

The law agent was notified and attended.

Questions by claimant's counsel.

Question 1. What is your name, age, and place of residence, and how long have you resided there?

Answer. My name is José Maria Covarrubias; forty-four years of age; my place of residence is in Santa Barbara, where I resided since the year 1836, with few intermissions.

Question 2. Are you acquainted with the handwriting of Pio Pico, José Maria Covarrubius; if yea, state if their signatures on and to the document now here shown to you are genuine, and if they are the originals of the copy which is filed with the petition of the said James R. Bolton in the office of the secretary of the Board of Land Commissioners for California, marked Exhibit A,

and referred to in said petition, which is No. 81 on the docket of said Board, and were these signatures placed there at the time they purport to be?

Answer. I know the signatures of Pio Rico and Jose Maria Covarrubias, which last is my own signature. I recognize both said signatures as genuine and affixed to the said document at the time they purport to be. I have compared the said document, which I know to be the original, with a copy filed in the office of the secretary, as described in the foregoing interrogatory, and find the same to be correct in all its parts, which original is herewith filed, marked also A.

Question 3. Did Pio Pico make his signature in your presence to said document, and what office did he hold at the time of said signature, and what office did you hold at the time of your signature to the same?

Answer. I did not see him sign the documents. The titles were issued in the office of the Secretary of State, and sent into the governor's chamber for his signature. He held the office of governor of the department of both Californias, and I held that of the Secretary of State, and signed the said document after the governor's signature was thereon, when it was returned to my office.

Question 4. In whose handwriting is the body of the document aforesaid?

Answer. It is in my handwriting.

Question 5. Do you know whether or not José Prudencio Santillan, the original grantee, was, at the time when this grant was made, administrator of the Mission Dolores?

Answer. I do not know him, the original grantee, by the name of José, but only by that of Prudencio Santillan. He was, at the time of making the grant, the administrator of the temporal affairs of the Mission Dolores.

Question 6. Look at the paper now presented to you, and now marked exhibit B to this deposition, and say whether it is or not a copy of an original order issued by you as Secretary of the government of the Californias, by order of the governor, according to the best of your knowledge, recollection, and belief.

Answer. I have examined the paper described in the foregoing interrogatory, and I believe the same to be a copy substantially, if not literally, of an order of the governor for the purpose therein stated, which I distinctly remember to have been issued.

Question 7. What is the meaning of the original note of registry endorsed upon document A by you—that is, how would said registry be made by a full copy or by making a minute of it?

Answer. It means that the issuing of the document was noticed by making a minute in a book kept for that purpose, by which minute the document is identified by its date, number, and its caption, and which minute is called a registry.

Question 8. As matter of usage and custom universally observed, was it or was it not necessary for the grantees in such documents to seek above for mention of the same from the departmental assembly, procure such documents as this marked A, and of the same purport in relation to terms and conditions?

Answer. It was customary to lay before the legislative assembly of the department, or territorial deputation, as the said body has been known from time to time in California, the espedientes which the Secretary of State transmitted to that body, with an official note, and submitted for the action of the said body for its approval; this was done by the secretary as one of his official duties, and for the discharge of which the parties interested were not called upon to petition. The documents as thus marked A were delivered to the parties interested, (the grantees,) and were not submitted to the legislative body for its action.

Question 9. Please state all you know about the circumstances attending the origin of this title.

Answer. The grantee, Prudencio Santillan, petitioned the governor for the land granted by this title, which grant was made on condition that he, the grantee, paid all the debts which the mission has contracted, as set forth in the said grant. The lands granted as above stated were known as the Mission lands, but without any legally established limits, as all other lands known as Mission lands.

Question 10. Was it not necessary or usual to obtain the approval of the Supreme Executive of the nation to grants situated like this within the ten littoral leagues?

(Objected to by the law agent.)

Answer. It was not usual; but as regards it being necessary I cannot decide the question of law.

Question 11. Was there ever a decree of the departmental assembly passed authorizing the governor to sell the Mission lands?

Answer. I recollect that the departmental assembly passed a resolution in 1845 authorizing the governor to dispose of the Mission lands, but I do not remember the date of it.

Question 12. What description of book was it wherein the registry of this title was made, as already stated by you?

Answer. The book consisted of a few sheets of paper being stitched together, and labeled *Register Book of Titles*, and it was kept in the secretary's office.

Question 13. What was the cause of keeping a register in a book of such imperfect character?

Answer. The cause, as above inquired, was that the book of registry being among the archives of the government at Monterey at the time Pio Pico took charge of the government at Los Angeles, the book described in my answer to question 12 was estab-

lished as temporary or provisional until the proper register book could be had from Monterey.

Question 14. How long were you secretary of state, and how long did you continue connected with the office of the secretary?

Answer. I entered the office of the secretary of state as an employé in 1836, and continued at intervals almost up to the time of the country by the American forces.

Question 15. Did you ever know an instance where a grant is made by the governor, or by authority of the departmental assembly, that a confirmation was sought for in the executive of Mexico?

Answer. I never knew such a case.

JOSÉ MARIA COVARRUBIUS.

The law agent of the United States present.

The above testimony was taken before me and subscribed by the witness in my presence, and sworn to by him.

San Francisco, 3d of May, 1852.

HARRY J. THORNTON,
Commissioner.

Filed in office May 3, 1852.

GEORGE FISHER, *Secretary.*

Recorded in record of evidence, vol. 1, pages 204, 205, 206, and 207.

GEORGE FISHER, *Secretary.*

Deposition of William A. Richardson.

OFFICE OF THE BOARD OF COMMISSIONERS, &c.

This day, before Commissioner Thompson Campbell, came William A. Richardson, a witness on behalf of claimant, James R. Bolton, number 81, who, after being duly sworn, deposed as follows:

What is your name, age, and place of residence?

My name is William A. Richardson; I am fifty-eight years of age, and I reside in Marin county, State of California.

Do you know anything of a grant by the Mexican government, in 1846, to Prudencio Santillan, of land formerly belonging to the Mission Dolores?

Yes, I know of the grant, as Santillan had his documents in my house, in the year 1846, which I saw, but did not minutely examine.

Do you know anything of the occupation of said grant by Santillan, by pasturing cattle, cultivating the land, or any portion of it by himself or his tenants? and if so, state to what extent.

I know of his occupation with cattle, and renting to various

persons, and particularly to one Robert A. Parker, as I was interpreter for Parker in his contract with Santillan in relation to his lease.

There was a garden in front and one at the back of the old Mission buildings, and he had cattle and horses ranging about the Mission generally. I don't recollect seeing any other part occupied for agricultural purposes. There were several houses built by the tenants of Santillan on the north side of the Mission.

I never saw him build any houses himself; he lived in the old Mission house. Santillan was on the land several years after the grant was made. I know Santillan paid debts of the Mission, because I loaned him money twice for that purpose.

The first time I let him have six hundred dollars, and the second time I loaned him one thousand dollars.

What was the boundary formally between the Mission and Presidio? Can you point it out on the map attached, and marked Exhibit (A)?

The boundary between the Mission and Presidio was from Point Lobos to the high hill Avisadero; from thence down to Mission bay in a direct line to Rincon Point. The above description is to be found on said map, which is now before me.

Question by associate law agent:

Of what profession or business was the grantee, Santillan, at the time you heard of him receiving said grant?

He was priest and merchant; he was also curate of the establishment of San Francisco Diasis or Dolores, and also of the Mission of San Rafael.

In what manner did you understand Santillan to have become the owner of the lands in question?

By the grant from the governor, and by his paying the debts of the Mission.

Did you know, or did you ever hear, of any sale of these lands, or of any lands of the Mission Dolores, by order of the government, at public auction?

I never heard of any such sale at public auction.

WILLIAM A. RICHARDSON.

Sworn to and subscribed before me this 15th day of October, A. D. 1853.

THOMPSON CAMPBELL,
Commissioner.

Filed in office October 15, 1853.

GEORGE FISHER, *Secretary.*

Recorded in evidence, B, vol. 3, p. 253.

GEORGE FISHER, *Secretary.*

Deposition of D. Spence.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c.

This day, before Commissioner Robert A. Thompson, came David Spence, witness in behalf of claimant, James R. Bolton, number 81, who, after being duly sworn, deposed as follows:

Testimony on behalf of claimant.

Present: N. E. Howard, esq., attorney for claimant, and R. Greenhow, esq., associate law agent.

In answer to question, witness states that his name is David Spence, age forty-five years; residence, Monterey, California.

Question 1. Claimant's attorney. State what you know in relation to the usage and custom of the governors of California in leasing or granting mission lands?

Answer. The governors of California have been in the habit of granting mission lands ever since the colonization law went into effect, when such laws were not in the actual occupancy of the missions.

After the passage of the law for the secularization of the missions, they granted mission lands indiscriminately, except those which were specially reserved for the use of the priests and the churches. Afterwards I understood that they were authorized to lease or sell the mission lands, in order to raise funds when the necessities of the government required them.

I was a member of the departmental assembly or deputation during the administrations of Governors Chico, Micheltorena and Pio Pico. It was in the year 1844 that Micheltorena received orders from the supreme government at Mexico that war was expected with the United States, and directing him to put California in a state of defence, but not having funds to do so.

He called the assembly together to devise means to raise the necessary funds for that purpose, which body recommended to him to sell or rent the mission lands, reserving a certain portion of the mission of Santa Inez for school purposes.

The assembly considered that the governor had full power to make such a disposition of the lands. I know, from general report, and from having seen one of the titles, that Governor Pio Pico did so dispose of some portions of the mission lands during his administration. I was prevented, by ill health, from attending the meetings of the assembly at Los Angelos.

Question 2, by same. State what you know in relation to the usage and custom of the governors of California in granting lands in consideration of public services, civil or military, or in discharge of the preceding obligations of the government.

Answer. It was the usage and custom of the governors to grant lands in consideration of public services; and I have heard that in the time of Pio Pico lands were granted in consideration of money advanced for the use of the government.

Question 3, by same. State, if you know, what was the instruction of the departmental assembly as to the right of the governor to make such grants?

Answer. As stated before, the assembly at that time considered that he had the right to make them.

Cross-examined.

By Mr. Greenhow:

Question, by same. Do you understand that any decree, resolution, or other act of the territorial deputation or departmental assembly had any validity until it had been approved by the political chief or governor, or the person legally authorized to act as such?

Answer. I am not prepared to answer the question without some reflection and consideration.

Question, by same. Do you understand that the government of California—that is to say, the political chief and deputation, or the governor and departmental assembly—had any power whatever with regard to the disposition of any lands, otherwise than in virtue of express authority from the general government of Mexico?

Answer. I am not prepared to answer the question.

Question by same. Have you any knowledge of a law passed by the general congress of Mexico on the 6th of November, 1835, ordering the secularization of the missions in California to be suspended, and the missions to be restored to the state in which they were before the secularization was begun?

(Objected to by claimant's attorney.)

Answer. I have now no recollection of such a law.

Question by same. Did not Governor Micheltorena, in 1843, order this law to be carried into execution by restoring the missions to the missionary priests?

Answer. I do not recollect the date, but I recollect an order to that effect was issued by Governor Micheltorena. What had been done in relation to the granting of mission lands previous to that date he recognized as legally done.

Question by same. Did Governor Micheltorena adopt or approve the recommendation of the departmental assembly, in 1844, that the mission lands should be sold or rented, in order to raise funds for the use of the government?

Answer. I am not certain whether he did or not; but I am certain that he commenced fortifying the port of Monterey immediately after the passage of the recommendation by the assembly.

Question by same. Were any mission lands sold or rented by Governor Micheltorena?

Answer. I do not recollect.

Question by same. Have you ever heard of an order or instruc-

tions from the supreme government of Mexico to Governor Pio Pico positively prohibiting the alienation of any of the mission lands?

Answer. I do not recollect any such order.

Question by claimant's attorney. What do you know of the approval, by the supreme government of Mexico, of the official acts of Governor Micheltorena?

Answer. I do not know whether they approved of them or not.

DAVID SPENCE.

It is agreed between the claimant's attorney and the law agent, that this deposition may be read in evidence in leases number 92 and number.

WILLIAM A. RICHARDSON,
For the Albino ranch, and also in lease number 621, R. S. Duo.
R. AUG. THOMPSON.

Subscribed and sworn to before me, this first day of November, 1853.

R. AUG. THOMPSON, *Commissioner.*

Filed in office November 1, 1853.

GEORGE FISHER, *Secretary.*

Recorded in evidence, vol. 3, page 331.

GEORGE FISHER, *Secretary.*

Deposition of M. Castro.

UNITED STATES OF AMERICA, *State of California.* } *ss.*

SAN FRANCISCO, *May* 9, 1854.

This day personally appeared before Peter Lott, a commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Manuel Castro, a witness on behalf of the claimant in lease number 81, on the docket of said board, wherein James R. Bolton is claimant; and the said witness, being duly sworn on oath, deposed in the Spanish language, which was interpreted into English by the interpreter to said board, as follows, to wit:

The United States law agent is present.

Question. What is your name, age, and residence?

Answer. My name is Manuel Castro; my age thirty-two years; my residence Monterey, California.

Question 2. What office did you hold in California under the Mexican government, and during what time did you hold the same?

Answer. I held various offices at different times. I was prefect

of the district of Monterey from August, 1845, till November or December, 1846, when I left for Mexico, on account of the difficulties of the war.

Question 3. What was the territorial extent of your jurisdiction as such prefect?

Answer. From San Luis Obispo on the south, as far north as the Mexican territory extended. The whole of the present county of San Francisco was within that jurisdiction.

Question 4. Did you ever, in your office of prefect, make any grant or grants of the lots in the peublo of Yerba Buena? If yea, state what they were.

Answer. I remember making a grant, as prefect aforesaid, to Doña Presentacion Miranda de Ridley, of a lot 50 varas square, and also one to Don Pedro Sherreback, containing 800 varas square. These were within the limits or demarcation of Yerba Buena.

Question 5. What was the southern boundary line of Yerba Buena?

Answer. I was informed, in 1845 or 1846, that the limit of Yerba Buena, on the south, is that which is naturally formed from the point that lies south of Rincon Point, running a line across the estero and cumiga in a westerly direction, to the road which leads from this place (San Francisco) to the Mission of Dolores.

Question 6. Look at the map marked A, exhibit annexed to deposition of William A. Richardson, and filed in this case, and point out and describe what was the southern boundary of Yerba Buena.

Answer. Upon this map, according to my information, the southern boundary of Yerba Buena would begin at the point here marked Steamboat Point; from thence it ran about in the direction of this red line (which runs to Point Lobos) till it struck the mission road; beyond that road, towards the west, I do not know what the boundary was.

The law agent objects against the production of the map as evidence, or for the purpose of refreshing the memory of witness, or to inform him of any fact, because it is a map made by claimant after California became American territory, and because it is otherwise informal and incomplete as testimony.

Cross-examined by United States law agent:

Question 1. When and how was the southern boundary of Yerba Buena established?

Answer. As the citizens recognized the land lying to the north of the line I have described as belonging to Yerba Buena, and the reports of some of the judges to the same effect, the said boundary was established by custom. This information I received during the time I held the office of prefect, as before stated.

Question 2. Was not Yerba Buena at that time (a paragé) at-

tached to the mission of Dolores, sometimes called San Francisco de Asis?

Answer. It was not at that time attached to the mission Dolores.

Question 3. What was the character of the jurisdiction of Yerba Buena at that time?

Answer. It was called the Sub-Prefecture of Yerba Buena, and was under a sub-prefect, whose jurisdiction extended from San José to the frontier of Sonoma; this included the jurisdiction of San José; and this sub-prefect was subject to the prefect of Monterey. San José had at that time authorities of its own, but they were all embraced in the jurisdiction of this sub-prefect.

Question 4. When and how was this sub-prefecture of Yerba Buena established; who was the first sub-prefect who resided here, and who his successors; and where did each reside, and what the periods of their offices, respectively?

Answer. It was established by an act of the departmental assembly, in 1845, and Don Francisco Guerrero was, in the same year, appointed sub-prefect by the prefect of Monterey, which was approved by the governor of the Department.

He held the office and continued to exercise its functions till the Americans took possession of the country. He lived at Yerba Buena and the Mission Dolores, sometimes at one, sometimes the other. He had his office at the custom-house at Yerba Buena.

When I was here, in 1845 or 1846, I was informed that he resided, as I have said, at Yerba Buena and the Mission. I have seen his family here. I do not know what house he lived in.

Question 5. Do you know whether Francisco Guerrero or his family lived in Yerba Buena while he was sub-prefect, and if so, in what house did he live?

Answer. I know that his residence as sub-prefect was in Yerba Buena, and that he had his office at the custom-house of Yerba Buena, and that his family was most of the time at the Mission of Dolores.

Question 6. Did he or not live with his family?

Answer. Yes.

Question 7. Within what sub-prefecture was the ex-Mission of Dolores?

Answer. At the time it belonged to the sub-prefecture of Yerba Buena.

Question 8. Was not the only boundary you mention as the boundary of Yerba Buena the establishment of the Mission of San Francisco de Asis or Dolores.

Answer. I do not know the exact boundary of the Mission.

Question 9. Which was established first, the Mission of Dolores or the sub-prefecture of Yerba Buena?

Answer. The Mission was established many years before.

Question 10. Was not the ex-Mission of San Francisco de As or Dolores, the usual place of holding elections in the district.

Answer. I do not know whether it was; I have heard that elections were held there and at the Presidio, and at Yerba Buena. I do not know who told me; my knowledge of these things is based upon public information, and not upon personal knowledge, as I never was present at an election at any of the points named.

I have seen many official documents concerning elections here, though I cannot now remember distinctly any particular one.

Question 11. Were the jurisdictions of the Mission Dolores and Yerba Buena separate and distinct, or did the same officers exercise the jurisdiction of both places?

Answer. When the law was passed establishing the sub-prefecture here, the Mission Dolores was embraced within that jurisdiction; there were no judges or justices at Dolores before the sub-prefecture was established; the same law establishing the sub-prefecture fixed Yerba Buena as the place of justice.

Question 12. Was the law establishing the sub-prefecture of Yerba Buena a written law of the departmental assembly, and made a part of the public records of their proceedings?

Answer. It was transmitted to me in writing to be distributed among other officers as other laws. It was, doubtless, presented as a part of the public proceedings of the departmental assembly. It was published at the time.

Question 13. Name each officer who exercised jurisdiction at Yerba Buena, within your recollection.

Answer. Francisco Guerrero, Jesus noe Juan Padilla, Vicente Miramontes, Jose de la Cruz, Sanchez Guillermo, Hinckley Roberto Ridley. These are all I recollect; there may be others whom I do not recollect.

Question 14. How many times did you ever see Francisco Guerrero exercise any official duty in Yerba Buena, and state what acts you saw performed?

Answer. I cannot now recollect how many official acts I may have seen him perform; I do not recollect any one act.

Question 15. How do you know he kept his office at the custom-house in Yerba Buena?

Answer. I was here and saw Francisco Guerrero; I saw him at the custom-house and various places, and he told me he had his office at the custom-house.

Question 16. Did he keep the papers and records of his sub-prefecture at the custom-house?

Answer. I saw papers there relating to his office, and also his private papers.

Question 17. In what part of the custom-house did he keep them?

Answer. I do not now recollect.

Question 18. How often did you see them?

Answer. A number of times; do not know how often nor how many.

Question 19. Why did Guerrero tell you he kept his office at the custom-house?

Answer. I was here and saw him; he was my subaltern, and naturally gave me the information. I do not know that any particular question led to it.

Question 20. Were you acquainted with Prudencio Santillan, if yea, how long?

Answer. I saw him once at Monterey; I do not recollect meeting him at any other time.

Question 21. Was he a *religioso dolors ordinis* of the order of San Francisco; and as such was he, in 1846, officiating as missionary priest at the mission of San Francisco deAsis (or Dolores.)

Answer. I do not know what order he belonged to; I know he was a *religioso;* I do not know whether he ministered as a missionary priest at Mission Dolores in 1846, or not. I heard of his being at Sonoma and other places; he had charge of the frontier. I understand there were too classes of the priests, the regular and secular and I believe Padre Santillan belonged to the latter class.

Question 22. Why do you believe he was a secular?

Answer. Because he did not wear the same habit of the *religiosos* of the college of Guadalupe, at Zacatecas, and he was a presbyter considered as a *cura;* he had the liberty to buy and sell, and trade.

Question 23. How do you know he had liberty to buy and sell, and trade?

Answer. I have read some, and seen some, and I believe he had that liberty from what I have read and seen.

MANL. CASTRO.

Subscribed and sworn to before me on this 9th day of May, A. D. 1854.

PETER LOTT,
Commissioner.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence, B, vol. 4, p. 374.

GEORGE FISHER, *Secretary.*

Deposition of J. N. Padilla.

OFFICE OF THE COMMISSIONER G. THOMPSON BURRILL, AT LOS ANGELES, CALIFORNIA.

Before me, G. Thompson Burrill, Commissioner, duly qualified for the taking of tes imony to be used before the Board of Commissioners, to ascertain and settle the private land claims in the State of California, personally appeared Juan N. Padilla, a wit-

ness in behalf of James R. Bolton, claimant for the land named Mission Dolores, San Francisco county, mentioned on the docket of the said Board, with number 81, who, upon oath, declareth and saith as follows:

Question asked by counsel for claimant.

Question 1. What is your name, age, and place of residence?

Answer. My name is Juan Nepo Padilla; I am thirty-one years of age; and I reside in the city of Los Angeles.

Question 2. Where did you reside during the first five months of the year 1846?

Answer. I lived at a rancho which I had at Sonoma.

Question 3. Did you know José Prudencio Santillan, the original grantee in this case?

Answer. Yes; I know him.

Question 4. Do you know the tract to which the original grant attached, viz: the Mission Dolores and its lands?

Answer. Yes; I do.

Question 5. When did you cease to reside in the neighborhood of Sonoma?

Answer. At the end of the year 1849, or beginning of the year 1850.

Question 6. Where did said Santillan reside during the year 1846, 1847, and 1848?

Answer. I don't know what was his fixed residence; I knew him to have lived sometimes at Sonoma, sometimes at the Mission Dolores, and perhaps he may have lived somewhere else.

Question 7. Have you known him, since February, 1846, to exercise any acts of ownership upon the tract in question?

Answer. I have known him to.

JUAN N. PADILLA.

Sworn to and subscribed before me this 27th day of June, 1854.

G. THOMPSON BURRILL,
Commissioner.

I hereby certify that C. E. Thorn, esq., was present at the time that the above and foregoing testimony was taken, acting for, on behalf of, and by the authority of J. H. McKime, esq., United States law agent.

Los Angeles, *June* 27, 1854.

G. THOMPSON BURRILL,
Commissioner.

Filed in office July 10, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence, B, vol. 5, page 92.

GEORGE FISHER, *Secretary.*

Deposition of N. Botello.

OFFICE OF THE COMMISSIONER, G. THOMPSON BURRILL, AT LOS ANGELES, CALIFORNIA.

Before me, G. Thompson Burrill, Commissioner, duly qualified for the taking of testimony to be used before the Board of Commissioners to ascertain and settle the private land claims in the State of California, personally appeared Narciso Botello, a witness on behalf of James R. Bolton, claimant for the land named Mission Dolores, San Francisco county, numbered on the docket of said Board with number 81, who, upon oath, declareth and saith as follows:

Questions asked by counsel for claimant.

Question 1. What is your name, age, and place of residence?

Answer. My name is Narciso Botello; I am forty-three years of age, and I reside in the city of Los Angeles.

Question 2. Did you hold any civil office in California during the first four months of the year 1846; if so, what?

Answer. Yes. I was deputy of the assembly departmental.

Question 3. What committee did you serve on that body?

Answer. As one of the committee on public lands.

Question 4. Did you know the presbetero John P. Santillan?

Answer. Yes, I know him.

Question 5. Did any paper relating to any grant of the governor to said Santillan of the Mission Dolores and its lands, come up for action before the assembly at that time; if so, state what they were, and what action was had, and in what month?

Answer. Yes, they did so come up; I cannot answer as to the month. The documents were the title made out by the governor, and the original espediente, with a note submitting it to the assembly for their approval or disapproval according to law; the assembly approved it.

Questions asked by C. E. Thorn, acting law agent:

Question 1. When, for what length of time, and by whom, were you chosen a member of the departmental assembly?

Answer. I was chosen member in the year 1843, I think, in the month of September. I was chosen by the people of the district of Los Angeles for the term of four years.

Question 2. Of how many members did the committee of public lands consist; by whom were they appointed; who was the chairman of that committee at the time alluded in your examination in chief?

Answer. The committee consisted of three members; I recollect the name of one of them; his name was Santiago Arguillo. The committee were appointed by the president of the assembly. I think at that time Pio Pico was president of the asssembly. I do not recollect who was president of the committee.

Question 3. Were the documents alluded to by you as being the grant to the Mission Dolores the only ones passed upon by that committee during the four months alluded to in your examination in chief; if not, enumerate what others were present?

Answer. No, they were not; there were several others. I recollect of one from San José, that of Bernal and Suñol; this I recollect well from having written the report of the committee to be presented to the assembly; there were also a number of others which I do not now recollect.

NARCISO BOTELLO.

Sworn to and subscribed before me, this 27th day of June, A. D. 1854.

G. THOMPSON BURRILL,
Commissioner.

I hereby certify that C. E. Thorn, esq., was present at the time that the above and foregoing testimony was taken, acting for on behalf of and by the authority of J. H. McKime, esq., United States law agent.

ANGELES, *June* 27, 1854.

G. THOMPSON BURRILL,
Commissioner.

Filed in office July 10, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, volume 5, p. 94.

GEORGE FISHER, *Secretary.*

Deposition of A. Olivera.

OFFICE OF THE COMMISSIONER G. THOMPSON BURRILL, AT LOS ANGELES, CALIFORNIA.

Before me, G. Thompson Burrill, commissioner, duly qualified for the taking of testimony to be used before the Board of Commissioners to ascertain and settle the private land claims in the State of California, personally appeared Augustin Olivera a witness in behalf of James R. Bolton, claimant for the land named Mission Dolores, numbered on the docket of the Board with number 81, who, upon oath, declareth and saith as follows:

Questions asked by claimant's counsel.

Question 1. What is your name, age, and place of residence?

Answer. My name is Augustin Olivera; I am thirty-four years of age, and I reside in the city of Los Angeles.

Question 2. Were you ever a member of the departmental assembly?

Answer. I was.

Question 3. When espedientes of land grants were transmitted to that body for action, in what officer's hands were they placed during and after such action?

Answer. The espedientes were placed in the hands of the secretary of the assembly until referred to the committee on public lands; on the coming in of their report they were again placed in the secretary's hands, to be returned to the government after final action of the departmental assembly.

Question 4. Whc was secretary of the assembly in 1846?

Answer. I was.

Question 5. Up to what time did you so continue?

Answer. Until the occupation of the country by the forces of Commodore Stockton.

Question 6. At the date of such occupation had you by virtue of your said office, many or any such espedientes in your charge?

Answer. I did.

Question 7. What did you do with them?

Answer. On the arrival of Commodore Stockton at the port of San Pedro, I placed them in a box and left them at the house of Luis Veginis. I went to San Diego, and when I returned I went to the house of said Veginis for the box, which could not be found.

AUGUSTIN OLVERA.

Sworn to and subscribed before me, this 29th day of June, A. D. 1854.

G. THOMPSON BURRILL,
Commissioner.

I hereby certify that C. E. Thorn, esq., was present at the time the above and foregoing testimony was taken, acting for, on behalf of, and by the authority of J. H. McKime, esq., United States law agent.

Los Angeles, *June* 29, 1854.

G. THOMPSON BURRILL,
Commissioner.

Filed in office July 10, 1854.

GEORGE FISHER,
Secretary.

Recorded in evidence B., vol. 5, page 93.

GEORGE FISHER,
Secretary.

Deposition of Pio Pico.

OFFICE OF THE COMMISSIONER G. THOMPSON BURRILL, AT LOS ANGELES, CALIFORNIA.

Before me, G. Thompson Burrill, commissioner, duly qualified for the taking of testimony to be used before the Board of Commissioners to ascertain and settle the private land claims in the State of California, personally appeared Pio Pico, a witness on behalf of James R. Bolton, claimant for the land named Mission Dolores, numbered on the docket of the said Board with No. 81, who, upon oath, declareth and saith as follows:

Questions asked by counsel for claimant.

Question 1. What is your name, age, and place of residence?

Answer. My name is Pio Pico; I am fifty-three years of age, and I reside in the county of Los Angeles.

Question 2. Did you hold any civil offices in California in the years 1845 and 1846; if so, what?

Answer. I was governor.

Question 3. What civil tribunals were there in California at that time?

Answer. During the time that I was governor there were tribunals of first and second instance, presided over by alcaldes.

Question 4. Was there any limit to the jurisdiction of these tribunals?

Answer. I don't know how far their jurisdiction extended, but it had a limit.

Question 5. Before what authority were suits brought that exceeded the jurisdiction of said tribunals.

Answer. Before the governor.

Question 6. Were any complaints presented to you while governor by creditors of the establishments called missions demanding reimbursements?

Answer. Yes, there were.

Question 7. Were any of those complaints against the mission called Dolores, near Yerba Buena.

Answer. I do not recollect particularly.

Question 8. What steps did you take concerning such claims of creditors of missions.

Answer. I took the steps of naming a commissioner of inquiry to investigate and report to the government the condition of all the missions.

Question 9. Who were the members of such commission?

Answer. Don Juan Manso and Don Andres Pico. I do not recollect what their reports were, but they filed inventories with the government.

Question 10. Did, at that time, any religious community claim any interest in this and other missions of California?

Answer. They did not.

Question 11. Did any religious community at that time claim to exercise any right of guardianship over the Neophyte Indians of the missions?

Answer. No, they did not; nevertheless, and although I considered the Franciscan monks long since divested of any interest whatever in the missions, I chose, for motives of policy, to consult their president, Father Duran, who was the highest ecclesiastical authority. The first committee I sent, consisting of two members of the assembly, had no result; I next sent my secretary, Don Juan Baudine, to explain to the father the indebted condition of the missions and the necessity of action. My secretary brought me back a communication, in writing, from the father; that paper has been mislaid, but, to the best of my recollection, it was to the effect that said father trusting to the goodness of my intentions, left me to act according to the necessity of the case and my best judgment.

Question 12. During your administration were any of the missions of California sold at public auction under your directions?

Answer. Several were sold.

Question 13. Was the result of such sales such as to satisfy the government or answer its proposed ends?

Answer. The result was not such. PIO PICO.

Sworn to and subscribed before me, this third day of July, A. D. 1854.

G. THOMPSON BURRILL,
Commissioner.

I hereby certify that C. E. Thorn, esq., was present at the time that the foregoing testimony was taken, acting for, on behalf of, and by the authority of J. H. McKime, esq., United States law agent.

LOS ANGELES, *July* 3, 1854.

G. THOMPSON BURRILL,
Commissioner.

Filed in office July 10, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, p. 90.

GEORGE FISHER, *Secretary.*

Deposition of B. Diaz.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *August* 4, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commis-

sioners in said State, Benito Diaz, a witness on behalf of the claimant in case 81, on the docket of said board, wherein James R. Bolton is claimant, and said witness being duly sworn, on oath deposed in Spanish, which is interpreted by the interpreter to said board, as follows:

The United States law agent is present.

Questions by claimant's counsel:

Question 1. What is your name, age, and residence?

Answer. My name is Benito Diaz; my age forty years; my residence Monterey county, California.

Question 2. Were you acquainted in 1846 with the localities of the presidio of San Francisco and the Mission Dolores?

Answer. I was.

Question 3. State what you know of the boundary line between the presidio of San Francisco and said mission at the time last mentioned.

Answer. In 1846 I had an agreement with the padre of the mission that Point Lobos should be the boundary on the northwest, and the south point was the south point of the Rincon near Mission Bay.

Question 4. Look at the document now shown you, marked a document filed with the deposition of José Marin Covarrubins, and filed in this case and State, whether you have seen said document before; if yea, when and where?

Answer. Yes; I had this grant in my hands in 1846 at the mission of Dolores.

Question 5. State if you know whether the grantee in this case cultivated the land within the boundaries of this grant; if yea, when, how much, and what part of said land?

Answer. Padre Santillan did cultivate in 1846, in two places, a garden and a field; the garden in front, and the field back of the mission. I do not know how much land was cultivated.

Question 6. Was the cultivation you speak of made by Santillan under and by virtue of the grant in this place, and after said grant was issued?

Answer. It was after he obtained the title, and must necessarily have been by virtue of the said grant. Understood it to be done by Santillan for himself.

Question 7. State what you know of the payment of any debt or debts due from the ex-Mission of Dolores being paid by the said Santillan under the condition of this grant.

Answer. I know of a debt of upwards of $90 which Santillan paid, which the mission owed to Juan Malarin. I received the money myself for Malarin from Santillan; I know of no other.

Cross-examined by United States associate law agent.

Question 1. Had the padres the power to fix the boundaries of

the missions? If yea, was the agreement of the boundary of which you speak, between you and Padre Santillan, ever formally executed or settled?

Answer. I think the padres had not the power to fix the boundaries, but the padre claimed to run nearer to the presidio than I was willing to allow; and he and I then agreed to settle our difficulty by the line I have mentioned, and it was agreed to between me and Santillan.

Question 2. How do you know the cultivation you speak of, was made under and by virtue of the grant in this case?

Answer. I saw the cultivation, and believed it was made under and by virtue of the grant.

BENITO DIAZ.

Subscribed and sworn to before me, on this 4th day of August, A. D. 1854.

PETER LOTT,
Commissioner, &c.

Filed in office August 7, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 255.

GEORGE FISHER, *Secretary.*

Deposition of D. Feliz.

UNITED STATES OF AMERICA, }
State of California, } *ss.*

SAN FRANCISCO, *November* 1, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of United States land commissioners in said State, Domingo Feliz, a witness on behalf of the United States in case number 81 on the docket of said board, wherein James R. Bolton is claimant; and said witness being sworn deposed in Spanish, which was interpreted by the interpreter to said board, as follows:

Messrs. Howard and Irvinille are present as counsel for claimant.

Questions by Judge Southerland, for United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Domingo Feliz; my age thirty-five years; my residence in San Francisco county, California.

Question 2. Are you acquainted with the mission Dolores? If yea, how long have you known it?

Answer. I am acquainted with said mission. I have known it since I have known anything. I was born at the presidio of San Francisco.

Question 3. Was you acquainted with Padre Santillan, (José P.)? If yea, how long have you known him?

Answer. I am acquainted with him; I have known him since 1845 or 1846.

Question 4. Did you know of said Padre Santillan's ever cultivating any of the lands of the mission Dolores?

Answer. I never knew of his cultivating any of said lands.

Questions 4, 5, 6, 7, objected to by claimant's counsel.

Question 5. Was you in the habit of visiting said mission frequently in the year 1846?

Answer. I lived at the mission during the first six months of that year, and I was not there any time during the last six months of 1846.

The law agent takes exceptions to the noting of the foregoing objection, as it is made after the questions and answers were all written.

Question 6. Could there have been any cultivation of said lands by Padre Santillan during these first six months of 1846 without your knowing it?

Answer. No; I should necessarily have known it had he made any cultivation. I was intimate with said Padre, and he communicated to me the most of his business.

Question 7. When did you return to said Mission after leaving it in 1846?

Answer. In March, 1847.

Question 8. Did Padre Santillan then, or any time since, of your knowledge, cultivate any portion of said Mission lands?

Answer. He did not then or ever have any cultivation there to my knowledge.

Question 9. Have you lived at said Mission ever since your return in March, 1846?

Answer. I have not lived directly at the Mission, but I have been there nearly every day I have lived on the Sanchez ranch.

Question 10. Would Padre Santillan have cultivated any of said lands since March, 1847, without your knowing it?

Answer. He could not without my knowing it. I was intimate with him after my return in 1847.

Question 11. What were Padre Santillan's pecuniary circumstances during the whole time that you knew him?

Answer. He always complained to me of being very poor; he was generally asking alms for his support.

Question 12. Was the Mission Dolores indebted to you in 1846? If yea, how much?

Answer. The Mission owed me at that time about two hundred dollars.

Question 12. Objected to by claimant's counsel, Mr. Howard.

Question 13. Has Padre Santillan, or any one for him, ever paid you that money?

Answer. No; I have never been paid.

Question 14. Did you ever apply to Padre Santillan for the payment of said debt? If yes; when?

Answer. I did apply to him for it. It was after 1847, though I do not remember the precise time.

Question 14. Objected to by claimant's counsel.

Question 15. Have you ever heard of Padre Santillan having paid any of the debts of said Mission since 1846, or at any time.

Answer. I never have heard of his paying any of said debts.

Question 15. Objected to by claimant's counsel.

Question 16. How did Padre Santillan support himself all the time that you knew him?

Answer. The greater portion of the time by asking of alms.

Question 17. Had you ever any conversation with Padre Santillan respecting his title to the Mission lands or Mission buildings of said Mission Dolores?

Answer. In 1847 I had several conversations with him.

Question 17. Objected to by claimant's counsel.

Question 18. State the substance of what he told you on that subject in these conversations?

Question 18. (Objected to by claimant's counsel.)

Answer. Padre Santillan was very much troubled, and often complained that the Americans were taking away, or taking possession of, all the property and lands, so that there was nothing left for the Mission. He never said anything about his title to said lands or property.

Question 19. Did you ever ask him if he had any title to said lands?

Answer. No, I never did.

Question 19. (Objected to by claimant's counsel.)

Question 20. When did you first hear of said Padre Santillan's having any title to said lands of the Mission Dolores?

Answer. The first time I ever heard of his having any title to said lands was when he (Santillan) sold said Mission; I think it was after 1849, though I do not remember what year it was.

Question 20. (Objected to by claimant's counsel.)

Question 21. State, if you know, when Padre Santillan left this place, and ceased to be the priest of said Mission Dolores?

Answer. I think it was in 1850 or 1851; I am not certain that it was in either of these years.

Question 22. Where did Padre Santillan live from March, 1847, till the time he left here in 1850 or 1851?

Answer. He lived in one of the houses adjoining the church of the Mission Dolores, a part of the Mission buildings.

Question 23. Did he live in said Mission buildings during the time you knew him in 1846?

Answer. Yes, he did.

Question 23. (Objected to by claimant's counsel.)

Cross-examined by claimant's counsel.

Question 1. Was you about the Mission Dolores during the harvest of 1846?

Answer. I was not.

Question 2. When you returned to the Mission in March, 1847, do you not know that a part of said Mission buildings were used to store wheat in, which had been raised by Santillan on the Mission lands in 1846?

Answer. No. Padre Santillan had no wheat when I returned.

Question 3. Why did you apply to Padre Santillan to pay you the money which you say the Mission owed you?

Answer. I demanded it because it was due to me.

Question 4. How came the mission to owe you that money?

Answer. It was for services rendered the Mission in building houses in 1845 and a part of 1846.

Question 5. Who contracted with you to render these services?

Answer. Padre Santillan.

Re-examined by United States Law Agent.

Question 1. Of what blood was Padre Santillan?

Answer. He was a Mexican. It was said that he was an Indian.

DOMINGO FELIZ.

Subscribed and sworn to before me, on this first day of November A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 3, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, p. 570.

GEORGE FISHER, *Secretary.*

Deposition of V. Miramontes.

UNITED STATES OF AMERICA, } *ss.*
State of California, }

SAN FRANCISCO, *November* 2, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Vicente Miramontes, a witness on behalf of the United States in case number 81 on the docket of said Board, wherein James R. Bolton is claimant, and said witness being duly sworn, deposed in Spanish, which is interpreted by the interpreter to said Board as follows:

The counsel present for claimant are V. E. Howard and Mr. Dwinelle.

Questions by Judge Sutherland for the United States law agent.

Question 1. What is your name, age, and residence?

Answer. My name is Vicente Miramontes; my age 44 years; my residence in San Francisco county, California.

Question 2. Do you know the Mission Dolores; if yea, how long have known it?

Answer. I am acquainted with said Mission, and have known it all my life; I was raised there.

Question 3. Do you know Padre Santillan, and how long have you known him?

Answer. I have known him since the latter part of 1845.

Question 4. Do you know when Padre Santillan first came to the Missiou Dolores.

Answer. I do not remember the time precisely, but it was in the latter part of 1845.

Question 5. How long did he reside at said Mission?

Answer. I went to my rancho of San Benito to live, in July, 1846, and I do not know when Padre Santillan left the Mission. He was there when I went to live on my said rancho.

Question 6. Was you in the habit of visiting said Mission after you moved to your rancho.

Answer. Yes, I was in the habit of visiting the Mission and attending Mass there, until 1849, when I went to live in Santa Clara.

Question 7. Are you acquainted with the lot in front of the church of the Mission; if yea, state whether you ever knew it to be cultivated by Padre Santillan?

Answer. I know said lot and I never saw it cultivated by Padre Santillan; he never did cultivate it.

Question 8. Was that lot cultivated by any person as a garden; if yea, when and by whom?

Answer. It was cultivated by Candalaria Valencia, from 1841 up to the present time.

(Question 8 objected to by Mr. Dwinelle, claimant's counsel, as immaterial.)

Question 9. Are you acquainted with the lot or field in the rear of the Mission buildings; if yea, did you ever know of Padre Santillan cultivating the same?

Answer. I know said lot; I never knew him to cultivate it.

Question 10. How large is said lot in front of the Mission?

Answer. It is about 200 varas square. There were some old houses on said lot which Valencia repaired, and the lot is enclosed by houses on one side, by adobe wall on one side, and by a wooden fence on two sides; there were some old fruit trees there which had been planted by the old padres.

(Question 10 objected to as immaterial by Mr. Dwinelle.)

Question 11. What is the size of the said lot in the rear of the Mission?

Answer. It is about 50 varas long by 25 varas wide; it is a small garden which Tiburcio Vasquez had.

Question 12. How was said field in the rear of the Mission fenced when you first knew it?

Answer. It was fenced with poles and brush in 1843.

Question 13. Is it still so fenced?

Answer. I have not noticed it lately, but when Tiburcio Vasquez left, the fence went to ruin, and I think it is not fenced now.

Question 14. Were there any lots at the Mission other than those two of which you have been testifying, which were cultivated in 1846 or 1847.

Answer. I do not know; I had left there and did not live there in those years.

Question 15. Where did the horses of the Mission usually run before and down to 1846?

Answer. They ran about the Mission, and towards the Portăzuda and the cerro.

Question 16. Where did said Mission horses range in 1846 and 1847?

Answer. They ranged out towards the mountains with the horses of the neighbors and about the Mission wherever they chose.

Question 17. When did you first hear that Padre Santillan had any claim or title to the said Mission?

Answer. I never heard anything about it.

(Question 17 objected to as calling for incompetent hearsay evidence.)

Question 18. How did Padre Santillan support himself while you knew him?

Answer. By asking alms of the neighbors.

Question 19. Did you ever know of his having any money, or hear or know of his paying any of the debts of the Mission.

(Question 19 objected to as irrelevant.)

Answer. I never knew or heard of his having any money, or of his paying any of the debts of the Mission.

Question 20. Of what blood was Padre Santillan?

Answer. He was an Indian.

(Question 20 objected to as irrelevant.)

Cross-examined by Mr. Dwinelle, counsel for claimant.

Question 1. Who was the curate of the Mission from 1845 up to 1849, when you ceased to attend Mass there.

Answer. Padre Santillan was the priest till 1846; after that, there was no regular priest, and Mass was celebrated by priests whom I did not know.

VICENTE MIRAMONTES.

Subscribed and sworn to before me on this 2d day of November, 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 3, 1854.

GEORGE FISHER,
Secretary.

Recorded in Evidence B., volume 5, page 574.

GEORGE FISHER,
Secretary.

Deposition of F. Sanchez.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *November* 2, 1854.

This day came before Peter Lott, Commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Francisco Sanchez, a witness on behalf of the United States in case number 81 on the docket of said board, wherein James R. Bolton is claimant, and said witness being sworn, deposed in Spanish, which is interpreted by the interpreter to said board, as follows:

Mr. Dwinelle is present as counsel for claimant.

Questions by Judge Sutherland for United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Francisco Sanchez; my age 48 years; my residence in San Francisco county, California.

Question 2. Do you know the Mission Dolores; if yea, how long have you known it?

Answer. I do know it, and have known it ever since I was a boy.

Question 3. State when you became acquainted with Padre Santillan, and when he came to the Mission Dolores.

Answer. I became acquainted with him when he first came to the Mission Dolores. I cannot remember the exact date, but it was about a year before the Americans came to the country.

Question 4. How long did said Padre Santillan reside at said mission, and did you reside at the mission while he did?

Answer. He lived there till 1848 or 1849, and I lived on my rancho, fifteen miles from there, but was frequently at the mission. My family attended mass there from 1845 to 1849. I generally went to the mission once a week, or sometimes once in two weeks, and sometimes I would visit there with my family, and stay ten, or fifteen, or twenty days.

Question 5. Do you know the lot in front of the church of the mission? if yea, state whether you ever knew of its being cultivated by Padre Santillan, or any one in his employ.

Question 5 objected to as immaterial.

Answer. I know said lot, and neither Padre Santillan, nor any one in his employ ever cultivated it, not even so much as to plant a mustard stalk.

Question 6. Do you know the lot in the rear of the church? if yea, state whether said Padre Santillan, or any one in his employment, ever cultivated the same.

Answer. I know the lot, and neither Padre Santillan, nor any one in his employ ever cultivated it. He never cultivated any lands belonging to the mission.

These two lots, one in front, and one in the rear of the mission buildings, and the same lots about which Vicente Miramontes here in his deposition to-day.

The rear lot is adjoining the walls of the church and the burying ground; there was no ground cultivated in the rear of the church in 1846, and there was no enclosure there till after 1850, when Padre Fabeau fenced the lot.

Tibercio Vasquez had a little place enclosed there before 1846, in which he planted some trees. It was a place no larger than this room (court room of the commission); the front lot is separated from the mission buildings by a street, and lies directly in front of the church.

Question 7. Where were the horses of the mission in the habit of ranging before and until 1846?

Answer. They ranged all around the mission, and down to the Portozuila and the cerro; there were some old mares and thin horses.

Question 8. When did you first hear that Padre Santillan claimed to have any title to the mission?

Question 8 objected to irrelevant and hearsay.

Answer. The first I heard of it was in the latter part of 1849, when it was published here in the newspapers.

Question 9. Did you ever know of Padre Santillan having any money, or paying any of the debts of the mission?

Question 9 objected to.

Answer. I never knew of his having any money, or paying any of said debts; he lived by asking alms.

Question 10. Of what blood was Padre Santillan?

Question 10 objected to.

Answer. He was Mexican Indian.

Question 11. Was Padre Santillan a man of property?

Answer. I do not know whether he had any property or not.

Question 12. Where did said Padre Santillan reside during the time you knew him at the mission?

Answer. He lived in the house at the mission, which was usually occupied by the padres.

Question 13. Of what order and rank in the church was Padre Santillan?

Answer. I do not know; I never saw a priest who wore the same kind of dress as his.

Question 14. Did he officiate as priest during the time he lived at the mission?

Answer. He did.

Question 15. How long was Tibercio Vasquez administrator of the mission Dolores?

Answer. He continued in that position till the Americans took possession of the country.

(It is admitted, by counsel, that the time was July 7, 1846.)

Question 16. Did Padre Santillan act as administrator of the mission after said Vasquez left?

Answer. I do not know whether he acted as administrator; he remained there after Vasquez left, and took possession of the stock of the mission, but I do not know in what capacity he did it.

Question 17. What were the duties of administrator of the mission?

Answer. It was his duty to take charge of the stock on the mission lands, and to cultivate the fields. He received the moneys of the mission, and disbursed the same, under the order of the governor of the department; he could not of his own authority pay any money.

Question 18. Was there any difference in the cultivation of the two lots of which you have testified, one in front and one in the rear of the church, after the first of the year 1846, from what it was before that time?

Answer. There has been no change in the cultivation of the front lot, and the rear one was not cultivated in 1846. There never was any cultivation of it, except Vasquez trees, of which I have spoken, until Padre Fabeau enclosed it.

FRANCISCO SANCHEZ.

Subscribed and sworn to before me, on this 2d day of November, A. D. 1854.

PETER LOTT,
Commissioner, &c.

NOVEMBER 3, 1854.

This witness was recalled, and testified as follows, claimant's counsel consenting to this arrangement:

Question by law agent. Did you know when the Mormons first came to the Mission Dolores, and who put them in possession of the houses and buildings of said Mission; if yea, when was it, and who put them in said possessisn?

Answer. Yes; I know they came in the year 1846, and were put in said possession by Alcalde Bartlett, an American alcalde, under the order of Captain Montgomery, who had the command here at that time.

FRANCISCO SANCHEZ.

Question 5 objected to as immaterial.

Answer. I know said lot, and neither Padre Santillan, nor any one in his employ ever cultivated it, not even so much as to plant a mustard stalk.

Question 6. Do you know the lot in the rear of the church? if yea, state whether said Padre Santillan, or any one in his employment, ever cultivated the same.

Answer. I know the lot, and neither Padre Santillan, nor any one in his employ ever cultivated it. He never cultivated any lands belonging to the mission.

These two lots, one in front, and one in the rear of the mission buildings, and the same lots about which Vicente Miramontes here in his deposition to-day.

The rear lot is adjoining the walls of the church and the burying ground; there was no ground cultivated in the rear of the church in 1846, and there was no enclosure there till after 1850, when Padre Fabeau fenced the lot.

Tibercio Vasquez had a little place enclosed there before 1846, in which he planted some trees. It was a place no larger than this room (court room of the commission); the front lot is separated from the mission buildings by a street, and lies directly in front of the church.

Question 7. Where were the horses of the mission in the habit of ranging before and until 1846?

Answer. They ranged all around the mission, and down to the Portozuila and the cerro; there were some old mares and thin horses.

Question 8. When did you first hear that Padre Santillan claimed to have any title to the mission?

Question 8 objected to irrelevant and hearsay.

Answer. The first I heard of it was in the latter part of 1849, when it was published here in the newspapers.

Question 9. Did you ever know of Padre Santillan having any money, or paying any of the debts of the mission?

Question 9 objected to.

Answer. I never knew of his having any money, or paying any of said debts; he lived by asking alms.

Question 10. Of what blood was Padre Santillan?

Question 10 objected to.

Answer. He was Mexican Indian.

Question 11. Was Padre Santillan a man of property?

Answer. I do not know whether he had any property or not.

Question 12. Where did said Padre Santillan reside during the time you knew him at the mission?

Answer. He lived in the house at the mission, which was usually occupied by the padres.

Question 13. Of what order and rank in the church was Padre Santillan?

Answer. I do not know; I never saw a priest who wore the same kind of dress as his.

Question 14. Did he officiate as priest during the time he lived at the mission?

Answer. He did.

Question 15. How long was Tibercio Vasquez administrator of the mission Dolores?

Answer. He continued in that position till the Americans took possession of the country.

(It is admitted, by counsel, that the time was July 7, 1846.)

Question 16. Did Padre Santillan act as administrator of the mission after said Vasquez left?

Answer. I do not know whether he acted as administrator; he remained there after Vasquez left, and took possession of the stock of the mission, but I do not know in what capacity he did it.

Question 17. What were the duties of administrator of the mission?

Answer. It was his duty to take charge of the stock on the mission lands, and to cultivate the fields. He received the moneys of the mission, and disbursed the same, under the order of the governor of the department; he could not of his own authority pay any money.

Question 18. Was there any difference in the cultivation of the two lots of which you have testified, one in front and one in the rear of the church, after the first of the year 1846, from what it was before that time?

Answer. There has been no change in the cultivation of the front lot, and the rear one was not cultivated in 1846. There never was any cultivation of it, except Vasquez trees, of which I have spoken, until Padre Fabeau enclosed it.

FRANCISCO SANCHEZ.

Subscribed and sworn to before me, on this 2d day of November, A. D. 1854.

PETER LOTT,
Commissioner, &c.

NOVEMBER 3, 1854.

This witness was recalled, and testified as follows, claimant's counsel consenting to this arrangement:

Question by law agent. Did you know when the Mormons first came to the Mission Dolores, and who put them in possession of the houses and buildings of said Mission; if yea, when was it, and who put them in said possessisn?

Answer. Yes; I know they came in the year 1846, and were put in said possession by Alcalde Bartlett, an American alcalde, under the order of Captain Montgomery, who had the command here at that time.

FRANCISCO SANCHEZ.

Subscribed and sworn to before me, November 3, 1854.
PETER LOTT, *Commissioner, &c.*

Filed in office November 3, 1854.
GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 568.
GEORGE FISHER, *Secretary.*

Deposition of C. Valencia.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *November* 3, 1854.

This day came before Peter Lott, Commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Candalario Valencia, a witness on behalf of the United States in case number 81 on the docket of said Board, wherein James R. Bolton is claimant; and said witness being sworn, deposed in Spanish, which is interpreted by the interpreter to said Board as follows:

The United States Law Agent is represented, at his request, by Judge Southerland; the defendant is present by attorneys J. J. Williams, esq., and Wm. Packard.

Questions by law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Candalario Valencia; my age 44 years; my residence at the Mission Dolores in San Francisco county, California.

Question 2. Are you acquainted with the Mission Dolores; if yea, state how long you have known it?

Answer. I know said Mission, and have known it all my life.

Question 3. Are you acquainted with Padre Santillan; if yea, when did you first know him, and when did he first come to said Mission?

Answer. I know him; I have known him since he first came to said mission, which, as near as I can recollect, was about the latter part of 1844, or early in the year 1845. I do not know how long he remained at said Mission, for I cannot recollect when he left.

Question 4. Where did you live from the year 1845 to the year 1849?

Answer. At the Mission Dolores.

Question 5. Are you acquainted with the lot or garden in front of the church of said Mission; if yea, state whether you ever knew it to be cultivated by Padre Santillan, or any one in his employ.

Answer. I know said lot, and I do not know of said Padre Santillan or any one in his employ.

Question 6. Was said lot ever cultivated by Padre Santillan at any time since he first came to said mission?

Answer. It was not ever cultivated by him.

Question 7. Who did cultivate said lot in front of the Mission?

Answer. I did. I have cultivated it before Padre Santillan came to the Mission, and ever since till the present time.

Question 8. Do you know whether or not Padre Santillan, or any one for him, ever cultivated any lot or land in the rear of said Mission?

Answer. I do not know of his having cultivated it, or any one for him.

Question 9. Could Padre Santillan, or any one in his employ, have cultivated either of the above mentioned lots without your knowing it?

Answer. No; they could not without my knowing it.

Question 10. Did Padre Santillan ever cultivate any ground of, or belonging to, said Mission?

Answer. He never did.

Question 11. Was there any other lot in front of the Mission besides the one you cultivated, which was cultivated by Padre Santlllan or any one in his employ?

Answer. There was not.

Question 12. When did you first hear of Padre Santillan pretending to have any claim or title to said Mission?

Question 12. Objected to by claimant's counsel as incompetent and calling for hearsay evidence.

Answer. I do not remember when I first heard of it, but it was since 1846.

Question 13. Did you ever know of Padre Santillan having any money or paying any of the debts of said Mission?

Question 13. Objected to as irrelevant and informal.

Answer. I never knew of his having any money or paying any of said debts.

Question 14. What were his circumstances pecuniarly, and how did he support himself?

Answer. He was a poor man and supported himself by alms.

Question 15. Who officiated as priest of the Mission from the time Padre Santillan came there till he left?

Answer. Padre Santillan did.

Question 16. Where did Padre Santillan reside while he was at the said Mission?

Answer. He lived in a part of the Mission buildings in a room adjoining the church.

Qestion 17. Of what blood was Padre Santillan?

Answer. I cannot know; he was a Mexican.

Question 18. Did he speak the Spanish language well?

Answer. When he first came to the Mission he could not express himself well; there was something wrong about his tongue; I cannot tell what it was. He improved after he came.

Cross-examined by claimant's counsel.

Question 1. Was the lot in front of the church, which you say was cultivated by yourself, claimed by you; and if yea, under what title?

Answer. I did claim it under a title from Governor Alvarado.

Question 2. Is that title presented before this commission? If yea, in whose name is it so presented?

Answer. Yes; the claim is presented here for me by my attorney.

Question 3. Was it ever intimated to you that you ought to give your testimony in this case against this claim in order to make your own title to said lot more secure?

Answer. No such intimation was ever made to me.

Question 4. At whose instance did you come here to testify?

Answer. I came in obedience to the subpœna of the government.

Question 5. Did Padre Santillan, or any person claiming under him, ever interfere with or deny your right to said lot in front of the church?

Answer. No, they never did.

Question 6. Was any of the lands of the said mission ever cultivated, except by yourself, during the year 1846; if yea, whom?

Answer. Yes; in that year one Joares Francisco Guerrero, Leander Galindo and one Gomez, and others whose names I do not remember, cultivated portions of said mission lands, and Francisco de Haro I now recollect was another.

Question 7. Could any persons, other than these you have named, have cultivated any of said mission lands without your knowledge?

Answer. Yes, they could.

Question 8. Did you know every man who was a laborer in cultivating lands of the mission Dolores during the year 1846, and by whom they were employed, and for whom they worked?

Answer. No, I did not know every one, nor for whom they worked, nor by whom they were employed.

Question 9. What means had you of knowing the private business of said Padre Santillan, or did you know all his private business?

Answer. I had no means of knowing nor did I know all his private business.

Question 10. Do you know the land claimed in this case, and its extent and boundaries?

Answer. I do not.

Question 11. Do you know how to read and write?

Answer. I do not; I can just barely make out to write my name.

Question 12. Could not Padre Santillan, without your presence, permission, or knowledge, have paid the debts of the mission?

Answer. He may have paid them, but I do not know it.

Question 13. Did the ex-mission of Dolores own you anything?

Answer. It did not.

Question 14. Do you not know that Padre Santillan, in 1846, received rents from the missions, or some of them?

Answer. No, I do not know it.

Question 15. Did you know a man by the name of Fowler, who lived at the mission in 1846?

Answer. Yes, I knew him; I think he was a Mormon.

Question 16. Did he not rent land of the mission?

Answer. He did not.

Question 17. Where did said Fowler live, and where did he his cultivation?

Answer. He lived in the house where Mr. Moses now lives at the mission; he did not cultivate any land.

Question 18. Of whom did Fowler rent that house?

Answer. He did not rent it of any one.

Question 19. By whose permission did Fowler occupy that house?

Answer. I do not know.

Question 20. Who cultivated the lands in the rear of the mission church in 1846?

Answer.. No one did.

Question 21. When were said lands in the rear of said church first cultivated, or were they ever cultivated?

Answer. I do not know when they were first cultivated; they were cultivated some time.

Question 22. In what year were they cultivated?

Answer. I do not know the year, but Padre Faberin had a garden there.

Question 23. In 1846 who cultivated the land adjoining that which you cultivated?

Answer. Charles Brown cultivated land adjoining mine, but I do not know the year. I do not know who cultivated it in 1846.

Question 24. Did anybody cultivate between your land and the mouth of Mission creek in 1846?

Answer. I do not know whether there was cultivation there in that year; there was before that.

Question 25. Have you a good memory or a bad one?

Answer. I have a good one and a bad one.

Re-examined by United States Law Agent.

Question 1. Do you know the land embraced in the following boundaries, and being the lands claimed by the claimant in this case, to wit: Bounded on the northwest by the presidio of San Francisco; on the north by Yerba Buena; on the west by the lands of Don Francisco de Haro; on the south by a portion of the rancho of Sanchez; and on the east by the bay of San Francisco?

Answer. Yes, I know the land comprehended within those boundaries.

This question objected to by claimant's counsel, as incorrect in fact, and misleading the witness.

C. VALENCIA.

Subscribed and sworn to before me, on this 3d day of November, A. D. 1854.

PETER LOTT,
Commissioner, &c.

Filed in office November 6, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 583.

GEORGE FISHER, *Secretary.*

Deposition of J. de la Cruz Sanchez.

UNITED STATES OF AMERICA, }
State of California, } *ss.*

SAN FRANCISCO, *Nov.* 4, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of United States land commissioners in said State, José de la Cruz Sanchez, a witness on behalf of the United States in case number 81 on the docket of said board, wherein James R. Bolton is claimant; and said witness being sworn deposes, in Spanish, which is interpreted by the interpreter to said board, as follows:

The attorneys for claimant present are V. E. Howard, esq., J. J. Williams, and Mr. Packard.

Questions by the United States law agent, represented by Judge Southerland:

Question 1. What is your name, age, and residence?

Answer. My name is José de la Cruz Sanchez; my age fifty-seven years; my residence in San Francisco county, California.

Question 2. Are you acquainted with the mission Dolores? If yea, how long have you known it? And are you acquainted with Padre Santillan? If yea, how long have you known him; and state when he came to said mission, and how long he remained there?

Answer. I have been acquainted with said mission all my life. I became acquainted with Padre Santillan when he was ordained

a clergyman at Santa Barbara by Bishop Garcia Diego. I do not remember the time; it is about seven or eight years since he came to the said mission, where he remained some three or four years. I do not remember the exact time when he first came.

Question 3. Have you lived at said mission; if yea, how long?

Answer. I lived there about a year and two or three months. It was in 1845, and part of 1846. I was alcalde there during that time till the Americans took possession of the country in June or July of the latter year.

I have lived ever since that time on my rancho, about five leagues from the mission. I have been in the habit of passing through the mission on my way to San Francisco occasionally, and have attended mass at the mission about once in fifteen or twenty days since I lived on my rancho.

Question 4. Do you know the lot in front of the church of said mission; if yea, did you ever know it to be cultivated by said Padre Santillan?

Answer. I know said lot, and Padre Santillan never has cultivated it.

Question 5. Do you know the lot in the rear of said mission? if yea, state whether it was ever cultivated by Padre Santillan.

Answer. I know said lot, and Padre Santillan never cultivated it; he never planted or enclosed it.

Question 6. Did you ever hold any office under the government prior to 1842; if yea, what office?

Answer. I was administrator of the Mission Dolores from about 1837 to about 1840. I think it was in 1840 that I delivered said office to Tibercio Vasquez.

Question 7. Who was administrator of said mission in 1846, when you lived there?

Answer. I was.

Question 8. When did you last cease to be administrator of said mission?

Answer. I do not remember; it would be necessary for me to see the archives in order to answer it.

Question 9. Who succeeded you as administrator of the mission?

Answer. Tiburcio Vasquez.

Question 10. When did Tiburcio Vasquez leave the mission?

Answer. I do not remember the month or year.

Question 11. Did Padre Santillan ever to your knowledge act as administrator of said mission?

Answer. He never did act in that capacity.

Question 12. When did you first hear that Padre Santillan laid any claim or title to the lands of said mission?

Answer. In the year 1850.

Question 12 objected to by claimant's counsel.

Question 13. Did you as administrator of said mission, ever pay any of the debts of said mission?

Answer. I did by order of the governor.

Question 14. Did you know Tiburcio Vasquez, as said administrator, to pay any of the debts of said mission?

Answer. He did pay some of said debts with horses and sheep; he paid Antonio Aguerro Eulojio bills, and one Mr. Thompson; these debts were paid by order of the governor; they could not be paid without the governor's order.

Question 15. Did you ever know of Padre Santillan paying any of the debts of said Mission?

Answer. Never knew or heard of his paying any of said debts.

(Question 15 and answer objected to by claimant's counsel.)

Question 16. Do you know in whose possession the archives of the Mission were when the Americans took possession of the country, and who took them then?

Answer. Tiburcio Vasquez had them in his possession, and I do not know whether they were taken from him or he delivered them to any one, or whether he has them yet.

Question 17. To what use was the ground in the rear of the Mission applied from 1845 to 1849?

Answer. To no use whatever.

Question 18. Of what blood was Padre Santillan?

Answer. He was Indian.

Question 19. Did Padre Santillan ever tell you he was an Indian?

Answer. He told me his father and mother were Indian.

(Question 19 objected to as leading and irrelevant.)

Question 20. Who was administrator of the Mission when the Americans took possession of the country?

Answer. Tiburcio Vasquez was.

Question 21. Read the 7th question and answer in the former part of this deposition, and state whether you understand your answer to be therein correct.

(Question 21 objected to by claimant's counsel.)

Answer. I do not understand that answer to be correct. Tiburcio Vasquez was the administrator at that time.

Question 22. Where was Padre Santillan in the first six months of the year 1846?

Answer. He was at the Mission Dolores.

Question 23. Do you know Benito Diaz and William A. Richardson; if yea, did either of them reside at the Mission Dolores at any time?

Answer. I know them both; they have neither of them lived at said Mission.

Question 24. What was the usual mode of applying for a grant of Mission lands, and to whom was the petition directed?

Answer. The petition was made to the judge or justice, and

he sent it to the Governor, who ordered the grant to be made or refused it.

Cross-examined by claimant's counsel.

Question 1. In what year do you say you moved from said Mission Dolores?

Answer. In 1846, in June or July, when I moved to my rancho.

Question 2. Were you administrator of said Mission during all the time you resided at said Mission?

Answer. No, I was not. I received the office in 1837, and went out of it in 1839.

Question 3. How long after your removal from the said Mission was it that you visited there?

Answer. I went there every month, every two months, and so on.

Question 4. Who cultivated lands at the Mission in 1846 and 1847?

Answer. In 1845 and 1846 Candalario Valencia, Leandro Galindo, Jesus Noe, and Francisco de Haro, cultivated lands there; after that I do not know who cultivated.

Question 5. What civil office did you hold in 1846?

Answer. I was Alcalde.

Question 6. When did these persons you have enumerated cultivate lands?

Answer. Candalario Valencia cultivated the land near where his house now is, in front of the Mission; Galindo planted where some people now have a farm, and a brick house on the right hand side of the street going from here to the Mission, about 150 or 200 varas from the Mission.

Jesus Noe cultivated about 600 or 700 varas from the church on the left hand side of the street coming from the church to this city, where Centio now lives.

De Haro planted one piece about 100 varas from the church on the road to the Presidio, and another 200 varas from the church in the direction of the Presidio.

Question 7. What were the boundaries of the Mission lands of said Mission in 1846?

Answer. I have never known any boundary of said lands.

Question 8. All the lands you speak of, then, are those immediately around the Mission buildings as respecting cultivation?

Answer. Yes, these lands I have mentioned are all near the said buildings.

JOSÉ DE LA C. SANCHEZ.

Subscribed and sworn to before me, on this 4th day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 6, 1854.
GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 587.
GEORGE FISHER, *Secretary.*

Deposition of T. Vasquez.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *November* 4, 1854.

This day came before Peter Lott, Commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Tiburcio Vasquez, a witness on behalf of the United States, in case number 81 on the docket of said Board, wherein James R. Bolton is claimant; and said witness being sworn, deposed in Spanish, which, interpreted by the interpreter to said Board, is as follows:

Attorneys for claimant present: Mr. Howard, J. J. Williams, and Mr. Pachard.

Questions by United States Land Agent, represented by Judge Southerland:

Question 1. What is your name, age, and residence?

Answer. My name is Tiburcio Vasquez; my age about 54 years; my residence in San Francisco county, California.

Question 2. Are you acquainted with the Mission Dolores; if yea, how long have you known it?

Answer. I know the said Mission, and have known it ever since I was 25 years old.

Question 3. Are you acquainted with Padre Santillan; if yea, how long have you known him; and state when he came to said Mission, and how long he remained there.

Answer. I know him; I knew him first when he came to said mission; I cannot tell when he came or how long he staid; I cannot remember dates.

Question 4. Of what blood was Padre Santillan?

Answer. I do not know of what blood he was; he had a singular way of speaking, and was a very dark color.

Question 5. Did you reside at the mission during the time that Padre Santillan was there?

Answer. I did.

Question 6. Do you know the lot in front of the church of said mission and the ground in the rear of said church? if yea, state whether Padre Santillan ever cultivated either of them.

Answer. I know the place called the garden, in front of the mission; it was in my charge, and was not fenced by Padre Santillan nor cultivated by him; I know the piece of ground in the

rear of said mission, and that Padre Santillan never fenced nor cultivated it; I inclosed it, and my wife planted a small garden of fruit trees.

Question 7. Did Padre Santillan ever cultivate any lands at or about the mission?

Answer. He did not.

Question 8. Did you ever hear or know of said Padre Santillan paying any of the debts of said mission?

Answer. I never did.

(Question 8 objected to by claimant's counsel.)

Question 9. Do you know of any debts now existing against said mission? If yea, state them.

(Question 9 objected to by claimant's counsel.)

Answer. I do know of such debts; the mission owes me, according to the accounts, $900, and owes Antonio Aguerro, but I do not know how much. The way I know of the debt to Aguerro is that he asked me for the money, and I had none with which to pay him.

Question 10. Has Padre Santillan ever offered to pay you that debt of $900 or any part thereof, or has any other person ever offered to pay you?

Answer. Padre Santillan told me he would pay me, but he never paid me. A. Pachard offered to pay me, and Manuel Castro offered to pay me; Castro spoke to me, and Pachard was to pay me half of the debt, or five hundred dollars. When Padre Santillan said he would pay me he wanted the papers, which I refused to give him, and he took them by force.

Question 11. Were said Pachard and Castro together when they offered to pay you this debt?

Answer. They were.

Question 12. When and where was this proposition made?

Answer. It was about two months ago, here in this city.

Question 13. Please state whether or not any proposition was made to you to testify in this case in consideration of said payment.

Answer. Yes, they proposd to me to come and testify, and I declined their proposition. I came and brought my accounts, supposing it was on some other business; I handed my accounts to Manuel Castro there, and they have them yet.

Question 14. In whose favor did they propose to you to testify?

Answer. They wished me to come and testify in favor of the Padre, and I would not do it; I knew he never had anything there, and I did not choose to come and tell a lie.

Question 15. State the conversation which took place between you and said A. Pachard, and Don Manuel Castro, on that occasion; and, as specifically as you can, the nature and tenor of what they wished you to testify in this case.

Answer. I answer to this the same as I have already stated.

(Question 15 objected to by claimant's counsel.)

The law agent protests against noting the objection, because it is done after the subsequent question and answer are recorded.

Question 16. Has said Castro assigned to you any reason for not returning your papers to you?

(Question 16 objected to by claimant's counsel.)

Answer. He has not. I have never asked him for them.

All the foregoing questions and answers, beginning with question 10, inclusive, are objected to by claimant's counsel.

Cross-examined by claimant's counsel.

Question 1. In what year did your wife cultivate the lot in fruit trees of which you spoke?

Answer. I do not know in what year.

Question 2. Was it the same year that the Americans took the country?

Answer. No; the trees were then between three and four years old.

Question 3. Were you and your wife in possession of said lot in the year when the Americans took the country?

Answer. Yes; I planted some lettuce and onions there that year.

Question 4. Did you plant the garden in front of the Mission in that year of the Americans coming?

Answer. I do not remember whether I planted in that year. One-half of it had been given to José Antonio Galindo, and did not belong to the Mission. I now recollect that I did that year cultivate said garden.

Question 5. Was the account which you say you rendered to said Padre Santillan for services rendered by you in said Mission?

Answer. Yes, it was.

Question 6. When did you cease your services in said Mission?

Answer. When the Americans came into the country.

Question 7. Who employed you to serve in the Mission?

Answer. The governor.

Question 8. Why did you present your account to Padre Santillan for payment?

Answer. Santillan told me if I would deliver my papers to him, he would pay me; and I refused to deliver them to him, unless he would bring me an order from the governor.

Question 9. Why did Padre Santillan claim the said papers?

Answer. I know no reason; he merely said if I would give them to him he would pay me.

Question 10. What right had you then to demand any money from the said padre?

Answer. I never did demand any money from him.

Question 11. I understand you then to say you never asked him for the money which the Mission owed you.

Answer. I never did demand it, and you understood me correctly.

Question 12. Do you remember when the commissioners of the government came to take an account and make an inventory of the affairs and property of said Mission?

Answer. Yes; I remember they came. I was then at the Mission and saw them. They were Juan Manso and Andres Pico, and they made an inventory of the property; but I cannot remember the date of their coming.

Question 13. What became of the property of which they made an inventory?

Answer. It was taken to pay the debts of the Mission, and the residue Padre Santillan took possession of. The property consisted of mares, mules, hides, tallow, and everything.

Question 14. Did you receive any portion of said property yourself?

Answer. I received fifty dollars worth of property, and a yoke of oxen which I bought of the Mission.

Question 15. Did you settle with Padre Santillan for the oxen and other property?

Answer. No. Bartlett, an American alcalde, arbitrarily delivered what property remained there to Padre Santillan.

Question 16. From what man did you receive the oxen and fifty dollars worth of property?

Answer. No one delivered it to me in form; I took it myself; I had charge of all the property there; I told Padre Lorenzo Quijas that I had taken it.

Question 17. Can you read and write; and how is your memory of dates?

Answer. I cannot read or write, and I am very poor at remembering dates.

Re-examined by the United States law agent.

Question 1. Who was administrator of said Mission when the Americans took possession of said country?

Answer. I was.

his
TIBURCIO + VASQUEZ.
mark.

Subscribed and sworn to before me this 4th day of November, A. D. 1854.

PETER LOTT, *Commissioner.*

Filed in office, November 6, 1854.

GEORGE FISHER, *Secretary.*

Recorded in Evidence B. vol. 5, page 577.
GEORGE FISHER, *Secretary.*

Deposition of J. de J. Noe.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *November* 3, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, José de Jesus Noe, a witness on behalf of the United States, in case No. 81 on the docket of said Board, wherein James R. Bolton is claimant; and said witness being sworn deposed in Spanish, which is interpreted by the interpreter to said Board as follows:

The United States law agent is represented by Judge Sutherland, by consent of parties.

The claimant is present by J. J. Williams, esq., and Mr. Pachard, his attorneys.

Questions by law agent.

Question 1. What is your name, age, and residence?

Answer. My name is José de Jesus Noe; my age 48 years; my residence San Francisco county, California.

Question 2. Are you acquainted with the Mission Dolores in said county; if yea, how long have you known it; and state also whether you know Padre Santillan; if yea, when did you first know him, when did he first come to the said Mission, and how long did he remain there; state also whether while he was there, he cultivated, either by himself or any employés, any of the lands of said Mission, and particularly whether or not he cultivated a lot in front of the church of said Mission, and one in the rear of said church.

Answer. I know said mission Dolores, and have known it since 1836. I know Padre Santillan from the time he came to said mission, which was in 1844; he was at said mission from that time till 1849 or 1850. I do not remember exactly at what time he left. He never cultivated, to my knowledge, any of the said mission lands. I lived in San Francisco in 1845 and 1846, and I do not know of his having cultivated either of said lots mentioned since I came to recollect; I was in San Francisco in 1847 also.

Question 3. Where you a frequent visitor at said mission in the years 1845, 1846, and 1847?

Answer. I was in the habit of attending mass with my family at said mission in those years, and going through them to my rancho, the boundary of which is near said mission, my house about a mile from the mission.

Question 4. Was you in any civil office in 1845 or 1846? If yea, what office?

Answer. I was judge of the first instance here in 1846?

Question 5. How far did your jurisdiction extend as said judge?

Answer. It extended to San Rafael, in Contra Costa, and to San José in the other direction.

Question 6. Were all the lands of said mission Dolores embraced within your jurisdiction?

Answer. No, they were not; I had authority to grant lots here in San Francisco.

Question 7. Was the mission Dolores embraced within your jurisdiction?

Answer. It was.

Question 8. Did you ever hear or know of Padre Santillan paying any of the debts of said mission?

Answer. No; I never heard or knew anything of that matter.

Question 9. Do you know of any debts now existing unpaid against said mission?

Objected to as leading.

Answer. I know of but one, which is due to me, but I never demanded it of the padre. The padre knew that what was due to me would go as a credit for my occupation of the *Sala de la Mission* in 1848, 1849, and 1850.

Question 10. Was you well acquainted with Padre Santillan and his business?

Answer. I was well acquainted with him, but not with his business.

Question 11. When did you first hear of Padre Santillan's pretending to have any claim or title to said mission?

Answer. About 1848.

Question 12. How long before the sale of the mission by said Padre Santillan to James R. Bolton was it that you heard of the padre's claims?

Question 12 objected to by claimant's counsel, as hearsay and irrelevant.

Answer. It was after said sale that I first heard of it; I do not remember the year.

Question 13. Was there any lot or field in the rear of the mission ever cultivated by Padre Santillan?

Answer. I never saw any cultivation there by him; I was living there.

Question 14. Had there been any cultivation of the mission lands by Padre Santillan would you have known it?

Answer. It did not concern me; I paid no attention to it; I attended to my own business; I do not know whether I would have known it or not; it would have been necessary for me to go about inquiring, which I did not do.

Question 15. Of what blood was Padre Santillan?

Answer. I do not know. I believe he was from Guadalaxara.

He had the face of an Indian. I do not know whether he was an Indian or not.

Question 16. Could said Padre Santillan speak Spanish well?

Answer. Yes, he spoke the language very well; he spoke some words as children speak. He was perhaps half Indian.

Cross-examined by claimant's counsel.

Question 1. Was said padre regular or secular priest?

Answer. He was a clergyman.

Question 2. Did he officiate as curate or presbyter of the mission during the years 1845 and 1846?

Answer. I believe he officiated as curate in those years.

Question 3. Did you know whether any salary of the departmental assembly was attached to said curacy?

Answer. There was none.

Question 4. Was any salary paid to said Padre Santillan either by the government of the partido or that of the department?

Answer. I do not know; I believe there was not any.

Question 5. Was the said Padre Santillan a member of one of those fraternities of monks classed under the Mexican laws denominated Manus Muentos?

Question 5 objected to.

Answer. I do not know anything about it; the bishop brought him here.

Question 6. Could it have been possible for any person to have had cultivation near the Mission Dolores in the year 1846 without your knowing it?

Answer. If it had been on my own land I would have known it. There might have been cultivation elsewhere about the mission without my knowing it.

Re-examined by the United States law agent.

Question 1. State if you know when Padre Flavian came to the mission.

Answer. I do not know the year; it was after Padre Santillan left.

J. DE JESUS NOE.

Subscribed and sworn to before me on this 3d day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 6, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, p. 591.

GEORGE FISHER, *Secretary.*

Deposition of W. C. Jones.

UNITED STATES LAND COMMISSION,
San Francisco, Nov. 7, 1854.

On this day, before Commissioner Alpheus Felch, came William Carey Jones, a witness on behalf of the United States of America, wherein James R. Bolton is claimant in case number 81, who after being duly sworn, deposed as follows:

Questions by Mr. McKime, law agent:

Question 1. Please state your name, age, and place of residence.

Answer. My name is William Carey Jones; my age about thirty-eight years; and I reside in San Francisco, California.

Question 2. When and on what business did you first come to California?

Answer. I first came here in September, 1849, as special agent from the Department of State and the Department of the Interior, to examine into the subject of land titles in California.

Question 3. In pursuit of information, in the course of your agency, did you have occasion to examine into the title of the lands at the Mission Dolores, in the present county of San Francisco? If yea, state particularly what information you obtained in regard to such titles.

Answer. My instructions required me to examine into the state of the titles to all the lands in the State which were called Mission lands; I had no special instructions or duties in reference to the Mission Dolores.

The information which I obtained in relation to the lands of that and the other Missions, is contained in the report which I made, and which is printed in the Senate document No. 18, 31st Congress, 1st session, and it is impossible for me to detail it from recollection.

(Mr. Williams, attorney for claimants, objects to this question and answer.)

Question 4. Are you acquainted with José Prudencio Santillan; if yea, when did you become acquainted with him, and what has been the character of your intercourse with him since?

Answer. I know Santillan, who was the priest at the said Mission Dolores, in October, 1849. I did not know his first name, but presume he is the same person mentioned in the interrogatory; I knew him in October, 1849, at said Mission Dolores, where I visited two or three times. I do not remember that I have seen him since, except on one occasion, when he was in the city of San Francisco, about a year and a half or two years ago. I have had no intercourse with him in the meantime.

Question 5. In conversations which you had with said Santillan did you derive any information in relation to the titles of the lands at and in the vicinity of said Mission Dolores; if yea, state the substance of that information?

Answer. It was very difficult to converse with Santillan on account of a peculiarity in his pronunciation, being, as I believe, Aztec and I had very little conversation with him.

I learned from him that he had a dispute concerning lands there with one O'Conner, who had been his agent.

He consulted me about his power as priest of the Mission to reclaim the lands and parts of the houses of the Mission from persons who had settled or were settling there.

I do not think he gave me any specific information in regard to titles there. My conversations with him were with a view to inform myself of the general nature and pretensions of the priests to the Mission lands, and not with a view to any particular titles.

I understood him to suppose he had a right to the possession and administration of the lands and houses of the Mission as the priest of the Mission. I did not think his ideas were very definite.

(Mr. Williams objects to this question and answer.)

Question 6. Were your inquiries of Santillan of such a character as would naturally induce him to exhibit the full title which he claimed to the Mission lands?

Answer. I did not know at that time that he claimed a full title, or any other title than as priest. I found, generally, throughout the country, a disposition to conceal, arising, as I supposed, from jealousy and timidity.

Santillan showed me freely all the old books and records belonging to the library at said Mission, but nothing relating to his own affairs, excepting possibly some papers relating to his dispute with O'Conner.

I endeavored to establish confidential relations with him, and to place him at ease in regard to the objects of my mission, but do not know how far I succeeded.

Question 7. At the time he asked your advice in reference to his difficulty with O'Conner, did he state to you on what he predicated his rights, so that you might give him proper advice?

Answer. According to my recollection, he informed me that he had appointed O'Conner as agent for leasing or administering some of the lands there, and O'Conner had taken advantage of it to possess himself of the lands.

My recollection is not very distinct about it. The impression on my mind is, that he claimed a right to the lands as priest of said Mission.

He did not inform me of any other ultimate right to the premises.

Mr. Williams objected to this question and answer.

Question 8. When did you first hear of said Santillan having any grant to said Mission lands, and from whom?

Answer. I believe it was in the fall of 1850 that I first heard of it; it was after my return from Washington. The first per-

son I recollect to have heard speak of it was Mr. Holt. I am not certain that he was the first person who I heard speak of it.

Mr. Williams objects to this question [and] answer.

Questions by Mr. Williams for claimant:

Question 1. When you first visited California, how long did you remain here before returning to Washington, and when did you return here again?

Answer. I arrived at Monterey about the middle of September, 1849, and sailed from San Diego on my return to Washington on the 7th of December of the same year.

I again returned to California, and arrived about the last of June, 1850.

Question 2. Were your conversations with Santillan with or without the aid of an interpreter?

Answer. Partly with the aid of an interpreter and partly direct.

W. CAREY JONES.

Subscribed and sworn to before me, this seventh day of November, 1854.

ALPHEUS FELCH, *Commissioner.*

Filed in office November 7, 1854.

GEORGE FISHER, *Secretary.*

Recorded in Evidence B, vol. 5, p. 602.

GEORGE FISHER, *Secretary.*

Deposition of T. Tanferan.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *November* 8, 1854.

This day came before Peter Lott, Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, Tiribio Tanferan, a witness on behalf of the United States in case number 81 on the docket of said board, and said witness being sworn, deposed in Spanish, which is interpreted by the interpreter to said Board, as follows: The claimant in the case is James R. Bolton.

The claimant is represented by J. W. Dwinelle, esq.

Questions by Judge Southerland, who appears for the United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Tiribio Tanferan; my age 29 years; my residence at the Mission Dolores, in San Francisco county, California.

Question 2. How long have you known said Mission Dolores, and were you acquainted with Padre Santillan? If yea, when did you first know him, and when did he come to said Mission, and how long was he there?

Answer. I have known said Mission since 1840. I knew Padre Santillan first when he first came to said Mission, which was in 1845. I do not recollect when he left the Mission; he was there till after the Americans took possession of the country. He was there when the Americans took possession of the country in 1846.

Question 3. Did Padre Santillan leave the Mission, or was he away from it in 1846, after the Americans took possession of the country? If yea, how long was he absent?

Answer. He was absent in 1846, after the Americans took possession of the country, but I cannot say how long he was absent; he did not return that year, nor for some time afterwards.

Question 4. Who was administrator of said Mission when the Americans took possession of the country?

Answer. Tiburcio Vasquez was.

Question 5. Where did you reside in 1846 and 1847?

Answer. I lived the greater portion of these years at said Mission, and the rest of the time here in San Francisco.

Question 6. Are you acquainted with the garden in front of the church of said Mission? If yea, did you ever know it to be cultivated by Padre Santillan?

Answer. I know said garden; it never was cultivated by Padre Santillan.

Question 7. Do you know the ground in the rear of said church? If yea, was it ever cultivated by Padre Santillan?

Answer. I know said ground; it was never cultivated by Padre Santillan; it was planted with a few fruit trees, and some cabbages and lettuce, by Tiburcio Vasquez.

Question 8. Did Padre Santillan cultivate any lands about the Mission in 1846 and 1847?

Answer. He did not.

Question 9. Do you know of the said Mission owing any debts? If yea, to whom?

Answer. I know of none, excepting a debt to myself of about $100.

Question 10. Did you, in 1846 or 1847, or afterwards, ever ask Padre Santillan to pay you any debt due to you by said Mission?

Answer. I did, in 1847, ask him to give me lands in payment of a debt of about $300 the Mission owed me; he told me he had no power to give the land, but he paid me all the debt, except about $100.

Question 11. Did Padre Santillan ever after that offer to give you land in payment of that balance? If yea, when?

Question 11 objected to by claimant's counsel as irrelevant.

Answer. He did offer to give me land for that balance about the latter part of 1849, or early in 1850.

Question 12. State if you know where Padre Santillan had been before he made you this offer of land?

Answer. He had been below, to Santa Babara or Los Angeles.

Question 13. How long after his return from below was it that Padre Santillan offered you the land for the debt?

Answer. It was a few days; perhaps a week, or two weeks; I do not remember the time.

Question 14. Who first proposed that the debt should be paid in land after he returned from below—you or Padre Santillan?

Answer. The padre did; I did not accept of his offer.

Question 15. Why did you not accept it?

Question 15 objected to as incompetent and irrelevant.

Answer. I refused it because I had land of my own.

Question 16. When did you first hear of Padre Santillan having any claim or title to the land of the mission?

Question 16 objected to by claimant's counsel as irrelevant.

Answer. Some time in 1850.

Cross-examined by claimant's counsel, Dwinelle.

Question 1. Who cultivated lands in or about said mission in 1846 and 1847?

Answer. Candalario Valencia, Leandro Galinda, one Gomez, and the family of Francisco de Haro cultivated the place called Los Manzanitus, and I do not remember what others.

Question 2. What was the debt due to you for from the mission?

Answer. It was for money I loaned to the padre for the use of the church; and also for sums in bringing cattle from the pinole and the rancho of Martinez to the mission.

Question 3. Who employed you to perform these services; and to whom did you lend this money?

Answer. Padre Santillan employed me in that service; he told me he was greatly behind hand in his business, and needed some person to assist him in getting the cattle to the mission, and I offered to do it for him. I loaned the money to Padre Santillan; some of it was in candles, rice, coffee, and other articles, for which I paid the money.

Question 4. When did you render these services, and lend this money?

Answer. It was early in 1845, or the middle of that year that I brought the cattle from Pinole. I let him have the money about the same time.

Question 5. Did you ever make out a written bill of your demand, and present it to Santillan?

Answer. I did at one time. It was either in 1845, or at the beginning of 1846.

Question 6. Did you get any certificate or order from the governor to Santillan to pay the debt to you?

Answer. I did not; I did not lend the money to the governor, but to Padre Santillan.

Question 7. Do you claim or occupy any lands at the mission?

Answer. I claim a small lot there of twenty-five varas, which I bought, and which I occupy.

Question 8. Is not that lot included within the limits of the grant which Santillan pretended to have got from Governor Pico?

Answer. It is in the centre of it.

Question 9. Have you not had a quarrel with Santillan about some lands at the mission?

Answer. I have not.

Re-examined by United States law agent:

Question 1. From whom did you buy the lot you occupy, and what kind of title have you to it?

Question 1 objected to by claimant's counsel.

Answer. I bought it from Thomas Doland. I understood I bought a Mexican title. Doland, I think, bought of Feliz. I am not sure, but I understood it to be a Mexican title.

Question 2. Did Padre Santillan, while you knew him, have any stock of his own, individually, at the said mission.

Answer. He had none.

Cross-examined by claimant's counsel:

Question 1. Have you ever had any dispute about the tannery and garden in front of the mission, with Padre Santillan?

Answer. No, I never had. Why should I have? I never had any right from him.

TIRIBIO TANFERAN.

Subscribed and sworn to before me, on this 8th day of November, A. D. 1854.

PETER LOTT,
Commissioner, &c.

Filed in office November 9, 1854.

GEORGE FISHER,
Secretary.

Recorded in evidence B, vol. 5, p. 617.

GEORGE FISHER,
Secretary.

Deposition of E. Valencia.

UNITED STATES OF AMERICA, } ss.
State of California, }

SAN FRANCISCO, *November* 8, 1854.

This day, came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Eustachio Valencia, a witness on behalf of the United States, in case number 81 on the docket of said board, wherein James R. Bolton is claimant; and said witness, being sworn, deposed in Spanish, which is interpreted by the interpreter to said board, as follows.

Mr. Dwinelle and Mr. Williams are present as counsel for claimant.

Questions by Judge Southerland, acting for the law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Eustachio Valencia; my age, 26 years; my residence, at the Mission Dolores, in San Francisco county, California.

Question 2. How long have you known said mission? Did you know Padre Santillan? If yea, when first, and when did he come to said Mission Dolores, and how long did he stay there?

Answer. I have known the mission since 1837. I knew Padre Santillan first when he first came to the mission, in the latter part of 1845. He was at the mission, off and on, till he went to Mexico, early in 1850. He was absent frequently at San Raphael and other places.

Question 3. Did he return to California after 1850? Has he since been here on a visit?

Answer. He has been here. I have understood he was sent from some connection with the dispute about his title to the mission. I do not know how long he remained here on that visit.

This answer objected to by claimant's counsel.

Question 4. Where did you reside in 1846 and 1847?

Answer. At the Mission Dolores.

Question 5. Was you acquainted with the garden in front of the church of said mission, and the ground in the rear of said church, if yea, state whether they were either of them cultivated by Padre Santillan, or any person in his employ at any time?

Answer. I am acquainted with both the garden in front and the ground in the rear of said mission church, and neither said Padre Santillan nor any one in his employ ever cultivated either of them.

Question 6. Did Padre Santillan ever cultivate any lands about the mission during his residence there?

Answer. He never did.

Question 7. How long have you known the garden in front of the mission, and who has cultivated it while you have known it?

Answer. I have known it since I was a small boy; it was cultivated the first within my knowledge by Jose de la Cruz Sanchez; I think Tiburcio Vasquez cultivated one year, and Candalario Valencia, my father, cultivated it for the last 13 or 14 years.

Question 8. Did you know a small garden of trees in the rear of the mission; if yea, by whom was it planted and what was its size?

Answer. I know the place mentioned; the trees were planted by Tiburcio Vasquez, or his wife, and the place was 20 or 25 feet wide by about 95 or 100 feet in length.

Question 9. When did you first learn that Padre Santillan pretended to have any claim to the lands of the mission?

Question 9 objected to by claimant's counsel.

Answer. About the time that he left here in 1850, when it became public that he had sold the lands of the mission.

Question 10. Had Padre Santillan any stock of his own while he lived at the mission?

Answer. I never heard of his having any.

Question 11. Where did the horses and stock of the mission usually range prior to 1846, and during and after that year?

Answer. They ranged around the mission; sometimes some of the animals would go off to a neighboring ranch, before, in, and after that year, until they were collected together to pay the debts of the mission; I do not remember whether it was in 1849 or not.

Question 12. Was there any difference between the cultivation of the lands in and about the mission in 1846, and that of the preceding year?

Answer. No; it was the same.

Cross-examined by claimant's counsel:

Question 1. Do you know the boundaries of the land which was claimed by Padre Santillan to have been granted to him by Pio Pico.

Answer. I do not know the boundaries and have never seen the land measured.

E. VALENCIO.

Subscribed and sworn to before me, on this 8th day of November, 1854.

PETER LOTT,
Commissioner.

Filed in office November 9, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, Vol. 5, p. 621.

GEORGE FISHER, *Secretary.*

Deposition of A. Johnston. Missing

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *November* 11, 1854.

This day came before Peter Lott, Commissioner, for taking testimony to be used before the Board of United States Land Commissioners in said State, Adam Johnston, a witness on behalf of the United States, in case number 81 on the docket of said Board, wherein James R. Bolton is claimant, and said witness being sworn, deposed as follows:

Mr. Dwinelle and Mr. Williams are present for claimant.

Questions by United States Law Agent, by Judge Southerland.

Question 1. What is your name, age, and residence?

Answer. My name is Adam Johnston; my age, 44 years; my residence, San Francisco, California.

Question 2. State what office, if any you have held, under the United States government, in California, and at what time?

Answer. In 1849 I was a sub-Indian agent, with some discretionary powers.

Question 3. Did you know Padre José Prudencio Santillan; if yea, when did you first become acquainted with him?

Answer. I know him as a curate or priest of the church at the Mission Dolores. My first acquaintance with him was either in December 1849, or January 1850; I cannot fix the precise time.

Question 4. Had you ever, in your official capacity, any conversation with said Padre Santillan relative to the lands of said Mission Dolores; if yea, when and where, and what was said?

(Question 4 objected to by claimant's counsel, as incompetent, hearsay, &c.)

Answer. I have had some conversations with Padre Santillan on the subject of the Mission lands; and under my instructions, I conceived it my duty to inquire into the situation of these lands which belonged to the various Missions in the country.

Believing them to be set apart for the benefit of the Indian population, for the purpose of civilizing and christianizing said Indians, I had learned by some means that Padre Santillan was about disposing of some of the lands of the Mission Dolores, I think, in February, 1850, and forbid him from selling any of said lands.

He complained that he thought it very hard that any government officer should interfere with the rights which, by the treaty of Guadulupe Hidalgo, had been secured to the church.

He not only did not claim anything in his own right, but disclaimed all personal interest there, and claimed only to be acting for the church. I assured him that the rights of the church should

be respected under the treaty referred to. This is about the substance of the intercourse I had with him.

Question 5. When did you first hear that Padre Santillan set up any claim in his own right to said Mission lands?

Answer. I am not able to fix the exact time; it must have been in the spring of 1850. I do not wish to say that I ever learned from him that he made such claim.

(This answer objected to by claimant's counsel as volunteered and irresponsive in its last sentence.)

Question 6. Was you ever present at a trial between said Padre Santillan and one Moses; if yea, state whether said Padre Santillan was examined as a witness; if yea, what was the nature of his testimony respecting said Mission lands?

Answer. I was present at said trial and took notes in the case for my own satisfaction. I do not remember that Padre Santillan was examined as a witness, but I recollect Dr. De Poli was examined as a witness; he was the agent of said Padre Santillan as I understood it. Padre Santillan was present at the trial, but I cannot be certain that he was present when De Poli was examined.

Question 6 and answer objected to as incompetent, irrelevant, and illegal.

Question 7. State what was substantially the character of Dr. De Poli's testimony on that occasion.

Question 7 objected to as incompetent.

Answer. The claim on that trial, on the part of the plaintiff, was to establish the right and title of the church to the property in question in that case; the property was the room or rooms of the old mission buildings north of the church of said mission. The testimony of said De Poli, I recollect, went to sustain that claim; his specific statements I cannot recollect.

Question 8. Did you hold your conversations which you mention with Padre Santillan through an interpreter?

Answer. I did; Dr. Poli, a Mr. Buffum, and perhaps others, have acted as interpreters on these occasions.

Cross-examined by Mr. Dwinelle for claimant:

Question 1. How did Padre Santillan disclaim his personal rights in said mission lands; what language did he use?

Answer. He disclaimed in so many words, on at least two occasions, that it was not for himself, it was for the rights of the church, that he claimed what he did.

Question 2. Suppose you describe a tract of two hundred varas square upon a base line, commencing at the southwest corner of the Campo Santo, and running northerly two hundred varas along in front of the church and mission buildings, would that tract include the property in dispute in the suit you have spoken of between said Padre Santillan and Moses?

Answer. I think it certainly would.

Question 3. Have you, or do you claim any interest in any of the lands of said mission, or any which are claimed in this case, number 81, before this board, which will be liable to be defeated by the success of this claim?

Answer. I have not the least claim, at this time, to any property included in this claim.

Question 4. Have you any subsisting or contingent claim to any land situated in or about said mission?

Answer. None whatever.

Question 5. Have you taken any active interest in defeating this claim before this board?

Answer. I certainly have not.

ADAM JOHNSTON.

Subscribed and sworn to before me, this eleventh day of November, A. D. 1854.

PETER LOTT,
Commissioner, &c.

Filed in office November 11, 1854.

GEORGE FISHER,
Secretary.

Recorded in evidence B, vol. 5, p. 634.

GEORGE FISHER,
Secretary.

Deposition of E. G. Buffum.

UNITED STATES OF AMERICA, *State of California.* } *ss.*

SAN FRANCISCO, *November* 11, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Edward G. Buffum, a witness on behalf of the United States in case No. 81 on the docket of said board, wherein James R. Bolton is claimant, and said witness being sworn, deposed as follows:

The claimant's counsel, Mr. Dwinelle and J. J. Williams are present.

Questions by the United States law agent, through Judge Sutherland:

Question 1. What is your name, age, and residence?

Answer. My name is Edward G. Buffum; my age thirty years; my residence San Francisco county, California.

Question 2. State whether in the year 1850 you acted as an in-

terpreter between Adam Johnston and Padre Santillan, at the Mission Dolores, in conversations they there held on the subject of said padre's claim to the lands of said mission; if yea, state whether you have been present this day, and heard the deposition in this case given by said Johnston; and if yea, state whether his testimony in said deposition respecting these conversations is true, and in accordance with your recollection of the same.

Answer. I was present, and acted as interpreter in one conversation between said Johnston and Santillan and Dr. De Poli; and the substance of that conversation, as given in said deposition of Colonel Johnston, is correctly stated. I do not pretend to remember the minutia of said conversation, but the general tenor and substance, I do remember, as stated by said Johnston here in his deposition to-day.

EDWARD G. BUFFUM.

Subscribed and sworn to before me, on this 11th day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 11, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 633.

GEORGE FISHER, *Secretary.*

Deposition of G. W. Wright.

UNITED STATES OF AMERICA, *State of California.* } *ss.*

SAN FRANCISCO, *November* 11, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, George W. Wright, a witness on behalf of the United States in case number 81 on the docket of said board, wherein James R. Bolton is claimant; and said witness being sworn, deposed as follows:

Messrs. Williams and Dwinelle are present for the claimant.

Questions by the United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is George W. Wright; my age thirty-eight years; my residence San Francisco, California,

Question 2. How long have you resided in California, and in what business have you been engaged during said residence?

Answer. I have lived in California since April, 1849; I have been engaged in the banking business.

Question 3. Has such business led you to examine land titles in and about San Francisco, with a view to ascertain their validity?

Answer. My banking business has not; the results of that business have generally been invested in real estate, and in consequence thereof I have been led, to some extent, to examine titles to land in the city of San Francisco and its vicinity.

Question 4. When and from whom did you first learn and hear of the grant upon which the claim in this case is predicated?

Answer. I first heard of it in the summer of 1851. I cannot recollect from whom I first heard of it. I recollect there was a pamphlet published by the claimant, Bolton, which about that time was placed in my hands by Judge Holt, who was then acting as one of the attorneys of said Bolton.

Question 5. Who are the present owners of the claim in this case; give their names, the amount or proportion each holds, together with a history of the transfers, so far as you may be acquainted with them?

Question 5 objected to by claimant's counsel.

Answer. It is owned by an association of gentlemen to whom I transferred it in 1853, L. W. Camull, J. N. Buck, Caleb Jones, and others. I do not know the proportions held by each one.

Question 6. Please state the names of the members of said association, so far as you know them?

Question 6 objected to by claimant's counsel.

Answer. I cannot remember them without reference to papers.

Question 7. How many subscribers are there to this association, and where do they reside?

Question 7 objected to as irrelevant.

Answer. I do not know the parties. I have named all the trustees, and they reside in Philadelphia.

Question 8. Of whom did you purchase this land?

Answer. I purchased it of James R. Bolton.

Question 9. What consideration was paid?

Answer. I cannot state. It is recorded, and the consideration named in the deed is the true one.

Question 10. What is the capital stock of this association?

Question 10 objected to by claimant's counsel.

Answer. Under the advice of counsel I decline to answer this question.

Question 11. Are there any persons resident in the State of California who are interested in this claim; if yea, please state their names and respective interests?

Question 11 objected to by claimants counsel.

Answer. Under advice of counsel I decline answering this question.

Question 12. Do you now know of any claim to land in San Francisco from Spanish or Mexican authorities which you did not hear of before you heard of the grant named; if yea, what ones.

Question 12 objected to by claimant's counsel.

Answer. I do not think I had heard of the Limentour claim at that time. I do not recollect any others.

Question 13. What is the present value of the land claimed in this case, and what was it in 1851?

Question 13 objected to as irrelevant.

Answer. I think it worth from $300 to $1,000 per acre; taken altogether, it is very difficult to fix its value; in my opinion, it might sell at auction for $200 per acre; I would not sell it for that if I owned a clear title to it; I think it would have brought more in 1851.

Cross-examined by claimant's counsel:

Question 1. Was your purchase of Bolton made before or after his petition was filed in this commission?

Answer. I think it was after the petition was filed.

Question 2. How long was said purchase made before you transferred to those gentlemen in Philadelphia?

Answer. About one month.

Question 3. Where were you most of the time in 1850 and 1851?

Answer. I was in Washington from January, 1850, to July, 1851.

Question 4. Had you business there? if yea, what?

Answer. I was there officially as a member of Congress from this State.

Question 5. Will you produce and file in this case the pamphlet you have spoken of as having been handed to you by Judge Holt?

Answer. I will; the document is here produced, marked on the envelope A. R. L., and annexed to this deposition.

The law agent objects against the introduction, in evidence, of the paper annexed to this deposition, on the ground—

1. Because the remark in the answer which first intimated the existence of such a paper was not responsive in the interrogatory.
2. Because it is new matter, not called for in the examination.
3. Because it is matter coming from the claimant, and made by him.
4. Because it is irrelevant and incompetent as testimony.

G. W. WRIGHT.

Subscribed and sworn to before me on this 13th day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 14, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 676.

GEORGE FISHER, *Secretary.*

Deposition of José S. Berreyesa. Missing

UNITED STATES OF AMERICA, *State of California.* } ss.

SAN FRANCISCO, *November* 11, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of United States Land Commissioners in said State, José S. Berreyesa, a witness on behalf of the claimant, James R. Bolton, in case number 81 on the docket of said board, and said witness being sworn, deposed in Spanish, which was interpreted by the interpreter to said board as follows:

The United States law agent is present.

Questions by J. J. Williams, esq., for claimant:

Question 1. What is your name, age, and residence?

Answer. My name is José S. Berreyesa; my age 34 years; my residence in Contra Costa county, California.

Question 2. Were you acquainted with Padre José Prudencio Santillan? if yea, how long, where, and under what circumstances?

Answer. I was acquainted with him at the Mission Dolores, first in 1845, when he came there an ordained presbyter from Santa Barbara; I was intimately acquainted with him, and I was his agent at Sonoma; I knew him till after 1848. He performed the ceremony of my marriage in 1848, at the Mission of San Rafael.

Question 3. Look at the document now shown to you, marked A, PL, and exhibited in this deposition, heretofore filed in this case as an exhibit to the deposition of José Maria Covarrubius, and state whether or not you ever saw said document before; if yea, when and where?

Answer. In 1846, I do not remember the month, when the Padre Santillan was on one of his visits to Sonoma he had a confidential conversation with me respecting his claim or property at the Mission Dolores, which had been granted to him, as he said, by the governor of that time; at the same time the padre showed me a title which was signed, I remember, by Pio Pico, for property at the Mission Dolores. I cannot say that this is the same paper. I cannot remember the form of the letters or the handwriting. The land described in said title was the same as described in this document now shown to me.

Question 4. Did Padre Santillan ever, in your knowledge, exercise any acts of ownership over the property claimed in this case?

Question 4 objected to as leading.

Answer. I understand he did, because he lived at said Mission Dolores more than he did at other missions; and on one occasion Padre Santillan told me he had rented out some of the Mission buildings, and that he had received a month's rent, and that the occupants refused to pay any more, and held over as squatters.

Question 5. When Padre Santillan showed you his title, as before stated, was it before or after the occupation of this country by the Americans?

Answer. It was before that event.

Cross-examined by United States law agent.

Question 1. To whom did you first mention the confidential conversation which you say you had with Padre Santillan?

Answer. I do not remember to whom I first mentioned it; it is a long time since I have thought of it.

Question 2. Have you ever mentioned it to any one before giving your testimony in this case?

Answer. I have not, to the best of my recollection.

Question 3. Who first told you you were wanted as a witness in this case, and when?

Answer. A young man named George, here in San Francisco, an American; I do not know his other name, though I have known him eleven years. He told me last Friday that I was wanted here as a witness.

Question 4. Did he tell you what he wanted you to swear to?

Answer. He came down to hunt for me, and he told me he had understood I had some knowledge of Padre Santillan's business, and asked me if I had; I told him I had.

Question 5. Did you see said George on Saturday morning, before you began to give this deposition?

Answer. I did.

Question 6. Had you any conversation on Saturday morning with said George about the claim in this case?

Answer. Nothing more than that George became satisfied that I knew something about it.

Question 7. How did he then become satisfied of that fact, and how did you know that he became so satisfied?

Answer. Doubtless he thought from an acquaintance of eleven years that I would not deceive him.

Question 8. Deceive him on what subject?

Answer. On the point in question as to whether I knew something of Padre Santillan's business.

Question 9. How did George know that you knew something of Padre Santillan's business?

Answer. He was a merchant and was acquainted with a suit which I had brought for Padre Santillan at Sonoma against General Vallejo and Victor Prudon, in the beginning of 1847, and he conjectured from my acting then for Padre Santillan that I knew something of his business; I suppose he so conjectured as that suit was a matter of public notoriety.

Question 10. Where was said George a merchant at the time of said lawsuit?

Answer. At Yerba Buena, which is now San Francisco.

Question 11. In what part of Yerba Buena was said George's place of business, and where is the spot in San Francisco?

Answer. The nearest I can tell is that it was somewhere about where Montgomery street is; there were no streets laid off here then, and I cannot tell where it was with any certainty by the present streets.

Question 12. Did George ask you what you knew about this case?

Answer. He only asked me if I knew anything relative to the lands which had been granted to Padre Santillan at the Mission Dolores; this is all he asked me on the subject. I do not recollect to have ever had any other conversation with him or any other person on this subject.

Question 13. When and where did this conversation occur between you and said George?

Answer. It occurred at Martinez one day last week; it was about Thursday or Friday, I do not remember the day.

Question 14. Was any one else present at said conversation?

Answer. We were walking about in the street.

Question 15. Who commenced the conversation about Padre Santillan's case?

Answer. George asked me if I knew anything about it and I told him I did.

Question 16. How long did said George stay with you at Martinez?

Answer. I saw him there on that occasion first on Thursday, and on Friday we came down here together; when I first met him on Thursday it was about noon.

Question 17. How far do you reside from Martinez?

Answer. I live in Martinez.

Question 18. Did said George stay at Martinez on Thursday night; if yea, at what house?

Answer. I suppose he staid there that night; I saw him about 4 o'clock that evening. I do not know at what house he staid.

Question 19. On what business did you come to San Francisco on Friday evening, as you have stated?

Answer. I had business here with my lawyers.

Question 20. Did you not come down with George for the especial purpose of testifying in this case?

Answer. I did not; I was coming down at that time.

Question 21. On what business were you about to come down?

Answer. My attorney, Mr. Williams, knows that I had private business with him which I came to attend to.

Question 22. Why did you not inform said George what you knew of Padre Santillan's business?

Answer. There was no necessity and no occasion for it. He

asked me if I knew anything about it; I told him I did—that was all.

Question 23. Did he not ask you to come down and testify in this case?

Answer. He did not; he knew that I was coming to San Francisco.

Question 24. On your arrival in San Francisco, did you and said George leave the steamboat together?

Answer. Yes, we did.

Question 25. How far did you go together?

Answer. We went to the hotel where we slept.

Question 26. Did you and said George lodge together that night?

Answer. We did.

Question 27. Had any one, up to that time, mentioned to you that you were to give your testimony on Saturday?

Answer. No one had mentioned it to me up to that time.

Question 28. Did you and said George take breakfast together that morning?

Answer. I do not recollect.

Question 29. Are you acquainted with F. P. Tracy?

Answer. I do know him.

Question 30. Were you at his office on the morning of Saturday last, before you commenced this deposition?

Answer. I was not.

Question 31. Did you see said Tracy that morning before you commenced giving your deposition?

Answer. I saw him on the street on the forenoon of said day, but I do not recollect whether it was a little before or after I began to give my deposition.

Question 32. How much and what part of the time did you pass in company with said George on Saturday morning?

Answer. When I got up and went out, I left him in bed; I met him that morning afterwards at the Union Hotel, and we walked together to Montgomery Block to the barber's shop. After we left the barber's shop, we walked together a short distance and then separated; I went to a book store, and in a short time we again met on Montgomery street and walked round here to the land commission together.

Question 33. Had you, at your last meeting with said George, on your way to the land commission, any conversation with him about giving your deposition in this case?

Answer. He told me at that time that Mr. Williams wished me to come here and give my testimony; and, as Mr. Williams was a friend of mine, I could not refuse to come.

Question 34. Was that the first intimation you had that your testimony was desired in this case?

Answer. Yes, it was the first.

Question 35. Has said George ever assisted you in prosecuting any of your claims before this commission?

Answer. No; he has never done any business for me, nor I for him.

Question 36. What was the nature of the suit between Santillan and Vallejo and Prudon, of which you spoke?

Question 36 objected to as irrelevant.

Answer. It was a suit brought by Padre Santillan against said Vallejo and Prudon at Sonoma, for the recovery of the possession of the *casa cerral* of the Mission of San Francisco Solano.

Question 37. What connexion was there between that suit and the Mission Dolores?

Answer. There was none; I have not wished to be understood as connecting them together; I said that I acted as Padre Santillan's agent in that business, and the notoriety of the case, I suppose, led people to think that I knew his business.

Question 38. Was it before or after that suit that Padre Santillan showed you the paper pertaining to his title to the Mission Dolores which you have mentioned in your examination in chief herein?

Answer. It was before the suit; I cannot say how long; the paper was showed to me in 1846, and the suit was in 1847 I think I have before said; I think it was before June in 1846 when the paper was shown me.

Question 39. Where were you, and in what employment, in the months of February, March, April, May, and June, 1846?

Answer. I passed the month of February here, at Yerba Buena, and from the first of March till June I was in Sonoma; in February I was engaged here for the people of Sonoma before the sub-prefect here, and in the other months named I was alcalde in Sonoma.

Question 40. Where were you when General Vallejo was taken prisoner in 1846?

Answer. I was in Sonoma.

Question 41. Was it before or after that event that the said paper was shown to you, and how long?

Answer. It was before that event; I do not remember how long.

Question 42. Who was present at the conversation between you and Padre Santillan when he showed you the paper?

Answer. No one.

Question 43. Where was the conversation held?

Answer. It was some nine years ago, and I cannot recollect where it was precisely; it was somewhere in Sonoma.

Question 44. What was the first business you ever had with Padre Santillan?

Answer. The first business I recollect was his applying to me to attend to the suit for the casa cerral before mentioned.

Question 45. How often, and on what occasions, did you see Padre Santillan in 1846?

Answer. I have never exercised my memory in trying to remember things to me so unnecessary.

Question 46. Exercise your memory now, and state as near as you can how often you saw him that year?

Answer. I do not remember how many times I saw him in 1846.

Question 47. Do you now recollect that you saw him on any other occasion in 1846 besides the one on which you showed him that paper; if yea, state each time.

Answer. I do not remember whether I saw him in Sonoma any other time in 1846; I saw him at the Mission Dolores at my father's burial late in 1846 or early in 1847, as near as I can recollect; I do not remember any other occasion in 1846 when I saw him.

Question 48. How long did Padre Santillan remain in Sonoma at the time when you saw said paper?

Answer. I do not know; sometimes he was there longer than others.

Question 49. Did you see him more than once on that visit in Sonoma?

Answer. I did; we saw each other on the street, and at church, and in his house.

Question 50. What was Padre Santillan's business in Sonoma on that visit, and how long do you know that he staid there?

Answer. He was there to perform the duties of a minister in the church; I do not remember how long he was there.

Question 51. You say you saw him there on several occasions; how long between the first and last times was it that you saw him on that visit to Sonoma?

Answer. I do not remember; I cannot pretend to fix the time.

Question 52. How do you know, then, that you saw him on several occasions?

Answer. For two reasons I know it: I saw him, and I left him when we saluted each other by shaking hands.

Question 53. How often did you shake hands on that occasion?

Question 53. (Objected to as irrelevant.)

Answer. I cannot remember precisely how many times.

Question 54. State as many as you can recollect?

Answer. It is impossible for me to remember.

Question 55. Was it on the first occasion of your shaking hands that he showed you the paper?

Answer. I do not remember.

Question 56. How long was you in conversation at the time when he showed you said paper?

Answer. I do not remember precisely, it was probably some minutes.

Question 57. Was it less than half an hour.

Answer. If I could remember, I would have said so at first, but I cannot remember.

Question 58. Was it more than ten minutes?

Answer. It probably was.

Question 59. Was it less than an hour.

Answer. I do not remember.

Question 60. Do you recollect any other conversation which took place on that occasion more than what you have related in your examination in chief herein?

Answer. I do not remember, though it was probable there was more; we spoke of a good many things.

Question 61. Who commenced the conversation?

Answer. I do not remember.

Question 62. What else did you converse about besides this paper?

Answer. I cannot speak positively; we generally conversed freely together when we met.

Question 63. How long did you examine said paper?

Answer. I do not remember.

Question 64. State as near as you can recollect?

Answer. I read it over hastily; it was a matter of no importance to me, and the time occupied was what was necessary for that purpose.

Question 65. Had the paper been folded up before you saw it?

Answer. Yes, it had been folded up.

Question 66. Was it endorsed?

Answer. I do not recollect.

Question 67. Did Padre Santillan produce it from his hat or his pocket?

Answer. I do not remember.

Question 68. Was it in a house that you had this conversation?

Answer. I do not recollect.

Question 69. Were you sitting or standing when you read it?

Answer. I do not remember.

Question 70. How does it happen you remember the facts you have sworn to without remembering the attending circumstances?

Answer. The lands of a mission having been granted to any one, doubtless made a stronger impression upon my mind than circumstances of minor importance would.

Question 71. Was it an unusual circumstance to hear of the grant of a mission; and if yea, how is it that you have not before spoken of your knowledge of this grant?

Answer. It was an unusual thing for a mission to be granted to a padre, for it was thought that the padres could not hold such property, and it seemed very strange to me. It is not customary with me to relate things because they are strange—if an occasion requires I might do it.

Question 72. Why did Padre Santillan carry his grant to Sonoma?

Answer. I did not ask him.

Question 73. Did it appear worn when you saw it, as though it had been carried in his pocket?

Answer. I do not remember.

Question 74. After you saw the grant on that occasion, in 1846, when and where did you next see it?

Answer. The next time after that that I saw a paper resembling it was here on Saturday, when this deposition commenced. I do not say positively this is the same paper—it contains substantially the same matter.

Question 75. How many pages were written on the paper you saw in 1846, and what was the description of the land which it called for?

Answer. It is nine years since the padre showed it to me, and then I saw it here the day before yesterday, and I cannot say how many pages were written on; I do not recollect the description any further than that it was for lands of the Mission Dolores.

Question 76. Do you recognize the gentleman who just came into the room and went out as the said George, of whom you have testified?

Answer. I believe him to be the same.

Question 77. Did not said George tell you it would be to your benefit and to his if you would come and testify in this case?

Answer. He has neither said that nor anything of the kind.

Question 78. Are you acquainted with Isaac N. Thorn and Charles Stuart; if yea, have you had any conversation with them respecting this title?

Answer. I know a man named Thorn and one named Stuart; I do not know their full names; I do not recollect whether I have conversed with them or not on the subject.

JOSÉ S. BERREYESA.

Subscribed and sworn to before me, on this 13th day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 14, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 668.

GEORGE FISHER, *Secretary.*

3045

Deposition of J. S. Alemany.

UNITED STATES OF AMERICA, *State of California*, } ss.

SAN FRANCISCO, *November* 17, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Commissioners in said State, Joseph S. Alemany, a witness on behalf of the claimant, James R. Bolton, in case number 81 on the docket of said Board; and said witness being sworn, deposed as follows:

The United States law agent is present.

The counsel for claimant present are Messrs. Dwinelle, Howard, and Harris, and Williams.

Question 1. What is your name, age, and place of residence?

Answer. My name is J. S. Alemany; my age forty years; my residence San Francisco, California.

Question 2. State whether you are acquainted with Prudencio Santillan; if yea, how long have you known him, and to what class of clergy he belongs?

Answer. I know Padre Prudencio Santillan; I have known him personally but a few months; he has not been in California, while I have, any longer than that; he belongs to the class of the secular clergy.

Question 3. What were the rights of the secular clergymen, under the laws of Mexico in 1846, respecting their holding or receiving grants of land?

Question 3 objected to as asking for matter of law.

Answer. To the best of my opinion, they were the same as those of any other citizen.

Question 4. What was the distinction between the rights of the secular and other clergy in this respect?

Answer. The regular clergy, by their profession, (religious,) are not entitled to hold or receive property for their own personal and individual use and ownership. The secular clergy are entitled to that.

Question 5. Was Padre Santillan a native of Mexico?

Question 5 objected to as leading.

Answer. I always understood he was; he came from Mexico to California; I believe he was brought here by the Bishop of California in 1840, when the Bishop, a Mexican himself, after having collected several supernumaries for the priesthood, came here from Mexico with them, and among them, I believe, was Padre Prudencio Santillan.

Question 6. Please to state what is your office and position now in California?

Answer. My office is that of Bishop elect of San Francisco, an arch-dioces of the Roman Catholic church, which extends all over California as a province.

Cross-examination by the U. S. law agent:

Question 1. How long have you been a resident of California?

Answer. Since 1850—December, 1850.

Question 2. From what place did you come to California?

Answer. From the State of Ohio.

Question 3. Have you ever resided in Mexico?

Answer. I was three months in Mexico, but I did not consider myself a resident of that country.

Question 4. Have you ever studied law as a profession?

Answer. None but the laws of the Catholic church.

Question 5. By virtue of what laws do the rights mentioned in your answer to 3d question accrue?

Answer. There is no law prohibiting or excluding these rights.

Question 6. By what laws are the clergy called religiosos prohibited from holding land?

Answer. By the canons of the church and the various confirmations which the Popes have sanctioned, the religious orders and the solemn professions of their subjects, by which they vow themselves solemnly before God never to hold property, to imitate the poverty of Christ.

Question 7. Explain the differences between those two orders of clergy which induced this distinction between their rights?

Answer. The secular clergy do not make those solemn vows of the regular or religious clergy, hence they are not bound by them.

Question 8. When did Padre Santillan take his vows?

Answer. He never made religious vows.

Question 9. Where was he ordained a clergyman?

Answer. I believe in California, by my predecessor, Bishop Garcia Diego.

Question 10. What are your means of knowledge as to what order said Padre Santillan belongs?

Answer. First the Governor of the diocess before my arrival in California, from whom I learned the particulars of the clergyman of the diocess; secondly, from the books or records of the diocess; and, finally, from the clergymen themselves.

Question 11. Did the information you received from your predecessor inform you of the number of each class of clergy in California at that time; if yea, how many of each class were they?

Answer. It did not inform me of the number of each class, and as far as I can remember, there were about twelve, more or less, belonging to the religious clergy, and about eighteen of the secular clergy.

Question 12. What was Padre Santillan's position in the church at the time when you personally knew him?

Answer. He was a secular clergyman belonging to this diocess; he had been absent from California, with permission of his superiors, for the benefit of his health.

He officiated as a clergyman in the church during that time, in San Francisco. The time I knew him here was in 1852, or about that time; my recollection of the years is very imperfect.

Question 13. Where is Padre Santillan at this time?

Answer. I believe he is about Mazatlan, in Mexico.

Question 14. What was the difference between the two orders of clergy, and their differences of dress during their performance of religious services?

Answer. As pastors of churches their duties were the same, otherwise the secular clergy are immediately under the authority of the Bishop.

The regular clergy are under the authority of their regular superiors almost in all things; in the church, when officiating, their duties and dresses are all alike, they wear the robes of the church out of the church; they dress differently, the secular clergy generally dress in black, the Franciscans dress in a kind of sandy color or gray.

Question 15. Were you acquainted with all the circumstances under which Padre Santellan left California finally?

Answer. I believe I am. I think he left considering this climate unfit for his health.

Question 16. Did Padre Santellan deed to you any portion of the land claimed in this case before his leaving California; if yea, state what portion, and whether you now as bishop hold the titles thus made to you.

Answer. He deeded to me a portion of the property in the Mission Dolores, consisting principally of the square of buildings of which the church forms part.

It embraces a quadrangle, I think, about that which the buildings occupy; that was all he deeded to me there, and I still hold these titles as bishop for the use of the church.

Question 17. Have you any arrangements with the claimants in this case by which, in case of the confirmation of this claim, you are to have a conveyance from them of the property you have described, or any other property in their said claim.

Answer. I have no arrangement of the kind; I believe the parties interested have examined my petitions before this Board, and have stated that those petitions are moderate and just, so far as they relate to the property of the church.

Question 18. Is a portion of the land claimed in this case embraced also in the lands you have petitioned for?

Question 18 objected to by claimant's counsel.

Answer. I have two petitions before this Board; in one I petition for the Mission church and buildings, the garden, the orchard, and graveyard of said Mission Dolores; and in the other for all the other lands of the Mission in behalf of the Indians.

Re-examined by claimant's counsel.

Question 1. Have you any personal interest in the lands mentioned as petitioned for by you separate and apart from the church.

Answer. I have none whatever.

Question 2. What was the usage and custom in Mexico in regard to the secular clergy holding real property?

Answer. The same as any other private citizen, they hold and still hold real property.

Cross-examined by United States law agent.

Question 1. Did you ever know or hear of a priest, either regular or secular, having a grant of land from any governor of California? if yea, state what ones.

Answer. I learned that Padre Santillan obtained a grant of land from Governor Pio Pico. I know of no other instance excepting this, and have heard of no other case in which the grant has been made to any priest personally and for his own benefit.

Question 2. Do you know that any grant was ever issued by the government of Mexico to any priest; if yea, to what priest?

Answer. I do not know of any having been issued for the personal benefit of the priest.

Question 3. How much time have you spent in the republic of Mexico, and in what were you employed during that time?

Answer. I was in the republic of Mexico, including the time of travelling, some three or four months in the summer and fall of 1852. I was employed in performing some religious duties and attending to some official affairs as a bishop of the church.

JOSEPH S. ALEMANY,
Bishop, Church of San Francisco.

The law agent objects to the foregoing deposition being read in evidence in this case as illegal and incompetent.

Subscribed and sworn to before me on this 18th day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 18, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, page 728.

GEORGE FISHER, *Secretary.*

Deposition of M. G. Vallejo.

UNITED STATES OF AMERICA, *State of California.* } *ss.*

SAN FRANCISCO, *November* 17, 1854.

This day appeared before Peter Lott, a commissioner for taking testimony to be used before the board of United States land commissioners in said State, Mariano G. Vallejo, a witness on behalf of the claimant, James R. Bolton, in case No. 81 on the docket of said board, and said witness being sworn, deposed as follows:

The United States law agent is present with Judge Southerland.

The counsel present for claimant are Messrs. Howard, Dwinelle, and Williams.

Questions by claimant's counsel.

Question 1. What is your name, age, and residence?

Answer. My name is Mariano G. Vallejo; my age, 47 years; my residence, Sonoma, California.

Question 2. Do you know what is the southeastern boundary of the lands known as the Presidio lands of San Francisco, and what separates these lands from the lands of the ex-Mission of Dolores? if yea, state said boundary.

Answer. I know the said southeastern boundary. It begins on the Mission creek, north of the Embracadiro creek, at a point on the shore of the bay called now Steamboat Point; thence to the Canutal, a piece of low, wet ground which Mission creek spreads over; from thence along the south side of the Mission creek, where there is a range of small hills forming a natural boundary; thence in a northwesterly direction to the south side of a prominent high hill; thence to the Divisadiro del Presidio Sobre el Palero; thence westward by south of the Presido lake to the south portion of Point Lobos; this is the southern and southeastern boundary of the Presidio lands, and divides them from the mission lands of the Mission Dolores.

Question 3. Will you explain what you mean by Mission creek?

Answer. It is a small stream emptying into the bay near the Steamboat Point, and was formerly called "Estero de la Mission," and not the creek which runs out near the Mission, and which is now called Mission creek. This last mentioned creek used to be called the Embracadiro creek. The Estero de la Mission, or Mission creek, as I call it, is a stream running through a low marshy ground, which, in the vicinity of the bay, is salt marsh; but further up the stream it is fresh water marsh.

Question 4. Please to mark out on the map now shown to you, marked A, PL, and filed with this deposition, exhibited and made part thereof, the boundary line of which you have been speaking in your former answer, as near as you can.

Answer. I have now marked out here, to the best of my judgment, the line called for in a dotted line of red ink, and noted with the letters A, B, C, and D in red ink.

Question 5. Do you know where the mountain is situated which is now called Lone Mountain, which on this map is marked Le Divisadiro? If yea, please to state whether the true Divisidaro through which the line just drawn by you runs is between said Lone Mountain and the Bay of San Francisco, and if yea, how far within said line, and how far from said Lone Mountain?

Answer. I know the hill which is now called Lone Mountain, and I understand it to be the one marked on the map Le Divisadiro, and the true divisadiro is between it and the bay, about a

mile in a westerly direction from said Lone Mountain, and about a mile and a half from the bay.

The mountain now called Lone Mountain was never called Divisadiro, but the one here marked C in red ink was so called.

The terms *sobre el patero*, in my answer, mean above the spring, which refers to a noted spring of water on the north side of the divisadiro, which spring is still there.

Question 6. In what direction is the point marked B, on the dotted line you have drawn, from the creek running near the mission, now called Mission creek?

Answer. It is north of said creek.

Question 7. Point out, as near as you can, the spot on this map which was called *Gentil*, and state why it was so called.

Answer. The spot is about where I have marked a cross in black ink. I cannot speak with certainty of the origin of the name.

Question 8. Who run this line as here marked by you in dotted red ink, and when was it run?

Answer. I run it myself, in 1834. This is the only line I ever run to divide the said Presidio lands from said lands of Mission Dolores, and the only pueblo line I ever knew anything about, and, according to the best of my judgment, I have here marked out the line, as near as I can, as it was actually run on the ground.

The point designated here by the letter A, in red ink, is what was known at that time as Punta del Rincon, and the termination of the line at the bay.

Question 9. Look at the four documents now shown to you, marked, respectively, B, PL, C, PL, D, PL, and E, PL, and exhibited in this deposition, and state whether the lands therein described lie between the line in dotted red ink, this day marked by you on the map A, PL, and the rancho of the Sanchez, called Buro Buro.

Answer. The Cañada de Guadalupe y Visita cure granted to Jacob P. Luse, are within the space mentioned between said dotted line and said Sanchez rancho of Buro Buro. So also is the grant made to Jesus Noe in the neighborhood of the Mission Dolores. So also is the land granted to Framisio and Ramon del Haro of the Polino. And so also is the land granted to Cornilio Bernal, of the rancho called Salinas. These are the lands described in said four documents.

Question 10. What is the municipal line between the Mission Dolores and the lands of San Francisco and Yerba Buena.

Answer. The dotted line in red ink which I have marked on said map A, PL, in the municipal line between said Mission and San Francisco and Yerba Buena.

Question 11. Under what authority did you establish said line, marked by you as aforesaid in dotted red ink on said map, with

the letters A, B, C, and D noted thereon, and what office, if any, did you hold at that time?

Answer. Under the authority of the governor I was commanding officer at the Presidio of San Francisco, and exercising civil and political functions.

Cross-examined by the United States law agent:

Question 1. How long have you been in San Francisco during your present visit?

Answer. Over a month.

Question 2. How often have you passed along the line you have marked on said map during that time?

Answer. I have been once along the portion of the line nearest to the city; I have not been along the whole line during that time.

Question 3. When did you go over that portion of said line, and with whom?

Answer. I went over it with Mr. Peachy, as near as I can recollect, some 20 or 25 days since; I went after that, some four or five days, over portions of said line with Capt. Frisbee; we did not go over the whole line; we went to the Presidio; these are the only times I have been upon the line during the period of my visit to this city.

Question 4. What was the object of your first visit to said line with Mr. Peachy as stated?

Answer. Mr. Peachy wished for some information about the line and requested me to go and show him the boundary; my object was to comply with his request; I understood him to be one of the atty's for the city.

Question 5. What was the object of the visit you made with Captain Frisbee, as stated by you?

Answer. We went to see the Presidio and he wished to know what Point Lobos was and where the divisadiro was, and so we drove up the hill and back to the city.

Question 6. What part of said line was traversed by you with each of these gentlemen?

Answer. I cannot say that I traversed any great portion of said line; I was on horseback both times, and from the fencing it was impracticable; I went on both occasions on the divisadiro and endeavored to point out the line to those gentlemen.

Question 7. When were you last along said line previous to your said visit with Mr. Peachy?

Answer. In 1834 or 1835.

Question 8. Who were with you on that occasion?

Answer. I do not recollect who was there incidentally, officially Don Francisco Casarez del Valle, Don José Sanchez, Juan Miranda, and others whom I do not now recollect were with me.

Question 9. State where these persons now are, whom you last named, if living, and if they are dead state the fact?

Answer. Francisco Casarez del Valle, said José Sanchez, and Miranda, are all dead.

Question 10. Have you ever passed along said line at any other times then those you have mentioned; if yea, when and how often with a view of pointing it out?

Answer. I lived here in San Francisco many years, and may have been on, across, or along portions of said line, but I have no recollection of having ever gone with the purpose of tracing or pointing out said line, except on the occasions I have mentioned.

Question 11. When and how was said line established?

Answer. It was established in 1834. We rode along the line, and were guarded by the view of the eye, (vista delege,) which is done by leaving persons in line at convenient distances apart, so as to get the direction.

We started at Point Lobos, and run the line to the Divisadiro, and from the Divisadiro to the Gentil; thence down to the Canutal, in the neighborhood of the Mission creek, marked B on map.

And from thence to the point marked A on said map, Steamboat Point, or by whatever name it may be called.

Question 12. How long were you engaged in establishing that line?

Answer. One day.

Question 13. What enabled you to make the starting point?

Answer. I started at the point where I did because it was the boundary of the mission lands.

Question 14. State how you knew that was the boundary of the mission lands, and by whom it was established before that.

Answer. I knew it as a matter of public notoriety. I only knew of its being a boundary by the expressed recognition of it as such by the officers at the Presidio and the people generally.

Question 15. What object had you in running said line if it was then already an acknowledged and well known boundary?

Answer. The municipal line had to be run. The mission, at that time, was secularized, and the object of the order, I think, was to fix the municipal line for the public convenience.

Question 16. Did you establish said line in accordance with a written order from the department? If yea, state what were the contents of said order.

Answer. I established said line under the authority of the government of the department. I think the governor directed me, in writing, to do so.

I do not recollect now the terms of the orders I received. There were a great many relative to business here connected with my command at that time. I think the archives will show those orders.

Question 17. Do you now recollect that you had an order, in writing, to make said survey previous to your making it?

Answer. I do not recollect.

Question 18. Do you now recollect whether you had any document, signed by the governor, relative to said survey? If yea, when did you receive it, and what was its purport?

Question 18 objected to by claimant's counsel as incompetent. The document should be produced.

Answer. I have already answered what I can upon that point in answering the 16th question above on this page.

Question 19. How many papers did you ever receive, signed by the governor, relative to said survey?

Answer. I do not recollect how many, but there were a good many.

Question 20. What was the character of the first one you received?

Question 20 objected to by claimant's counsel as incompetent.

Answer. I have already stated, in my answer to the sixteenth question, that I do not recollect the terms of those orders; I do not recollect the nature and character of the first one I received.

Question 21. Do you recollect the general import of any one of those papers? If yea, state it.

Same objection as above.

Answer. In 1846, the 14th of June, the Bear Flag was raised in Sonoma by Mr. Ide, by orders of some higher chief at Sacramento; Ide took Sonoma by surprise; and I was one of those who were taken prisoners; and afterwards a treaty was made with the chief of the Bear Flag. They took me up to Suter's fort, and put me in the calaboose with three or four officers and three or four respectable citizens.

The Bear Flag people took all the papers, public and private, in the archives in Sonoma and put them in the barracks, where they were carelessly thrown about loose and exposed to every person, which circumstaace was a public and notorious fact.

Afterwards, the Bear Flag people made a visit to San Francisco, in which place the confusion began; and the archives were in several parcels, or portions, scattered among different persons.

During that time, until next July, when the American flag was raised, the war commenced, and the archives in every department of the government were taken by the invaders and piled up without any order or arrangement, particularly in Sonoma and San Francisco; in which places the orders in question were kept at the time.

This answer is objected to by the law agent as irresponsive.

Question 22. I again ask you, if you recollect the general import of any one of those papers? If yea, state it.

Question 22 objected to by claimant's counsel as incompetent.

Answer. I refer to the archives, and again to my answer to the

said sixteenth question, and I have no further answer to make to this question.

Question 23. What time in 1834 did you run said line; and was it before or after you received any document authorizing or directing you to run it?

Answer. I do not recollect the particular time of the year in which I run the line; and as to whether it was before or after my receiving orders to do it, of course, it was not likely I would have run it without having orders to do so.

Question 24. Do you recollect that you had testified respecting this line in another case before this commission, in which the city of San Francisco was claimant.

Answer. Yes, I recollect it.

Question 25 Do you recollect that you produced and filed, on that occasion, in that case, a paper with the name of Zaumano written thereon to a certificate, under the words, Es Copiâ Conferme.

Answer. Yes, I recollect it.

Question 26. Was that the document under which you proceeded to make said surveyor run said line.

Answer. No, this is not the order; upon reading it, it will be found to be the approval of the government of my proceedings, and their approval of the boundary which I had before that established, which is the boundary of which we are now speaking.

Question 27. How long before you received this last mentioned document was it that you established said line?

Answer. I cannot recollect the time precisely; it was not very distant from that date of said instrument of approval.

I can only say it was in 1834, some time before the beginning of the year and the time of my receiving said approval; this is as far as I can answer to this question.

Question 28. What did you do with the original of that copy?

Answer. The original was filed with the Espediente in the archives at San Francisco.

Question 29. With whom did you deposit it?

Answer. I deposited it in the archives; they were in my custody till I went away to the frontier; they were then placed in the care of the authorities here in San Francisco at the Presidio.

Question 30. Did you receive this copy before or after you deposited said original in the archives?

Answer. I had the copy at the time I deposited the original.

Question 31. From whom did you receive said copy?

Answer. I received it through the mail, from the Governor, I think.

Question 32. How long after you received the original did you receive said copy?

Answer. I do not recollect.

Question 33. State the time as near as you can recollect.

Answer. I cannot state; it is so long ago; it is 20 years ago, and I cannot remember it.

Question 34. What did you want of a copy when you had the original?

Answer. The original belonged to the archives, and the copy belonged to me.

Question 35. What other document respecting that boundary line did you ever receive besides those two you have here indicated?

Answer. I have received some others, which are in the archives.

Question 36. State what was the import of those other papers received by you, or any of them.

Question 36 objected to by claimant's counsel.

Answer. At that time, for the purpose of establishing an ayuntamiento here, it was necessary to fix the municipal boundaries, and the documents were, in their general import, with a view to that subject, and were placed with the espediente on that subject in the archives.

Question 37. Did not the jurisdiction of said ayuntamiento extend on the other side of the bay in Contra Costa, and down to the Pulgas ranch, and to the boundaries of the Pueblo of San Jose?

Question 37 objected to by claimant's counsel.

Answer. I do not know what orders the ayuntamiento received after they were established; I gave up my authority then.

Question 38. Why did you not inform the authorities of San Francisco of the establishment of said line so established by you, as marked with dotted line or red ink on said map?

Question 38 objected to as assuming what does not exist.

Answer. I did inform them of it.

Question 39. Whom did you so inform?

Answer. I informed Francisco de Haro, the alcalde; I gave him the papers, the Espediente, and everything belonging to that business; I did not, to my present recollection, inform any other authorities of San Francisco.

Question 40. Is there any person now living with whom you ever conversed respecting the establishment of that line prior to the year 1846?

Answer. I do not recollect now, perhaps there may be many persons living with whom I have conversed casually upon this subject, but I do not recollect any particular one.

Question 41. What authorities, if any, ever authorized said boundary by any official act, and how was it subsequently treated by the authorities of San Francisco.

Answer. After I gave up the civil authority to the Ayuntamiento I went to the frontier, and I have no knowledge of any particular instance of such official recognition, and do not know how the line was treated by the authorities of San Francisco.

Question 42. To what particular use was that line ever applied?

Answer. I was not long here after the establishment of said line, and I do not know of any positive use which was in fact made of said line.

Question 43. Did you place any monuments on said line?

Answer. No.

Question 44. Who took the lead in running said line, and in what succession did the company ride?

Answer. I rode first along the line, and the persons present followed in the line from point to point, but I cannot remember the order in which the persons succeeded each other along the line.

Question 45. Did you each have a particular duty to perform on said survey; if yea, what was the duty of each?

Answer. I was the commissioner to run the line; I proceeded along the line posting those persons present at intervals along in the rear, to guide my eye in the course of the running; they acted as monitors in that way indiscriminately.

Question 46. Was there ever more than one hill known by the name of the Divisadiro?

Answer. I never knew of any other at that period but the one I have noted on said map at the letter C, in red ink.

Question 47. Did you ride the whole distance in the order in which you first started; if not, what changes were made?

Answer. We did not pretend to go in a line of unchanged succession; after reaching a prominent point marked by a natural object, we would ride together as directly as we could to the next point thus marked; the ground was uneven and rough, and we were obliged to go as was most convenient.

Question 48. When did you make a record of said survey?

Answer. The espediente was made up and placed in the archives soon after the line was run; I cannot say exactly how many days, but I can say it was within a month after.

Question 49. Did any persons sign any of the documents in said espediente as witnesses; if yea, who were they?

Answer. I think Francisco Casario and Jose Sanchez signed the act of survey as witnesses.

Question 50. Did you attach the document, referred to in the 25th question in this cross-examination, to said espediente?

Answer. I attached the original of that paper to the espediente.

Question 51. What was the name of the place within and north of said line, as marked out by you?

Answer. After the line was marked out it was called the Pueblo of San Francisco.

Question 52. Do I understand you that all the lands lying north of, and embraced within said line, were called the Pueble of San Francisco?

Answer. After the establishment of the Ayuntamiunto of San Francisco the persons about the Presido called the place the Pueblo

of San Francisco; but yet the particular localities retained with many persons their former names; Punta Lobos, Rincon, el Gentil, Canutals, and Yerba Buena, still remained, and still continued to be called and designated by those names. A person for instance, starting from the Presido to come here would say he was going to Yerba Buena, and vice versa; but in joint municipal jurisdiction the line fixed the boundary of the Pueblo of San Francisco.

Question 53. What was the extent and limits of Yerba Buena after running this line?

Answer. I do not know; I do not know whether Yerba Buena had any defined limits.

Question 54. What was the extent, and what the limits of the Presidio of San Francisco after the running of said line?

Answer. After the running of said line there was no Presidio.

Question 55. Was the square of buildings still commonly called the Presidio?

Answer. The square of buildings which had been called the Presidio before I run said line were afterwards commonly called the Presidio.

Question 56. Who was the last governor of California appointed by the supreme government of Mexico?

Answer. Pio Pico was.

Question 57. Was not Pio Pico a revolutionary governor?

Answer. I think he was not.

Question 58. Was not his predecessor, Micheltorena, driven by force from the country?

Answer. It was generally understood so.

Question 59. Did not the Alcaldes of the Pueblo of San Francisco grant land at the Mission Dolores after the running of said line?

Answer. I do not know.

Question 60. Did not the governors of California grant lands on the north side of said line after you established it?

Answer. I understood they did.

Re-examined by claimant's counsel.

Question 1. Look at the paper now shown you marked X, PL, and state whether or not it is a correct and accurate copy of the document referred to in the 25th cross-interrogatory as having been produced by you, and filed in case number 280 before this commission, and in that case marked No. 18.

This 1st question is objected to by the law agent as leading, new matter, irrelevant, and incompetent.

Answer. Yes; I have myself copied and carefully compared this paper with said paper referred to, and it is a true and correct copy of the same.

Question 2. Is the boundary line run by you on the ground as you have stated and designated on the map annexed to this depo-

sion in red ink, and with the letters A, B, C, and D, the same line which was described in your note or letter to the governor of the 24th of October, which is referred to in said document, (No. 18,) a copy of which marked K, PL, is also annexed to this deposition.

Answer. It is the same line described here on this map as aforesaid which I described in the said note to the governor on the 24th of October, 1834, which is referred to in said document, (No. 18,) and copy of which is filed here, (X, PL.)

Question 3. Was the Pueblo of San Francisco occasionally or ever called by any other name after the running of said line?

Answer. It was called San Francisco, Presidio, Yuba Buena, and by the names of its particular objects of locality by various people. This place, where the city now stands, was called Yuba Buena till 1846, when Alcalde Bartlet, was here under the military occupation, when he publicly changed the name to San Francisco by an official act.

Cross-examined by law agent.

Question 1. How do you know the document referred to, (X PL,) is authentic?

Answer. I know it because it was sent to me with the original, and is a copy of it, certified by the secretary of the governor.

Question 2. Do you know it in any other way than by the signature of Zaumano, which you believe to be a genuine one?

Answer. I know it by that signature and its being sent to me as a copy, and by Zaumano telling me so; Figuera telling me so, and many others telling me so, and by my own examination of the several papers connected with that subject.

Question 3. Name what other persons told you so?

Answer. I do not now recollect any others at present.

Question 4. How long after you received said document was it that you first went to Monterey?

Answer. I was in Monterey nearly every week about that period on the frontier business and other public matters, and I cannot recollect how long after receiving the document I made my first visit there.

Question 5. Did you take these documents with you to Monterey?

Answer. I do not recollect.

Question 6. When, where, and under what circumstances did Zaumano and Figuera tell you that they signed that document?

Answer. I have been so often in their houses and they so often in mine, about so many matters of public business, such as the colonization of the frontier, the secularization of the missions, and other affairs about that period, that it is impossible for me to

remember the time, place, or circumstances of this or any particular item of our many conversations.

Question 7. Did you transact any business with either of these gentlemen respecting the running of that line after you received said document; if yea, what was it?

Answer. I do not recollect of transacting any after that on that subject with them.

Question 8. Did you ever do anything towards establishing said line after the receipt by you of said document?

Answer. No; I did no more after that towards fixing said boundary.

Question 9. Did you not swear in your testimony in the case of the claim 280, of the city of San Francisco, for the Pueblo lands, that you established said boundary after you received the document referred to?

Answer. I do not now recollect the testimony in that case, but the fact is, that I run the line after I received orders from the Governor to do so, and after I run said line I received this document (No. 18) and copy, (X, PL.) If there is any contradiction in my testimony on this point, I have been misunderstood in my former deposition in number 280, or have misunderstood the identical paper which was referred to.

Question 10. Do you remember that, before you exhibited the original of this paper in case number 280, you exhibited what you said was a copy of it marked in that case number 4?

Answer. I do not now recollect what papers I exhibited in that case, or in what order I exhibited them. Upon examining this paper (Exhibit No. 4) in my deposition in case number 280, I recollect that it was produced, I think, by Mr. Halleck.

And I was asked if it was a copy of the original record placed by me in the archives, and I said I thought it was a copy. It looked like a copy as near as I could then remember.

I was then asked if I had a copy of said original record, and I said I thought I had among my private papers; I afterwards produced and exhibited the paper, (No. 18;) but this paper (No. 4) I am sure never was copied from (number 18,) for I had the latter paper where no one could have access to it, as I believe; and where they got that purported copy (No. 4) I cannot tell.

Question 11. How did it happen that in said copy (No. 4) you included the Fort, while in copy (No. 18) you excluded it?

Answer. The fact that it is included in the one and excluded in the other, as implied in the question, does not exist.

Question 12. What was the business of those persons who were with you when you run said line—I mean their various professions; and how long before running said line did you notify them to attend with you in running it?

Answer. Don Francisco Cazares del Valle was superintendent of the works at the fort; Don José Sanchez was a lieutenant in

the army. I do not remember how long before running said line it was that I notified them to attend.

Question 13. About how far is it from the place which you say was sometimes called Yerba Buena to that which you say was sometimes called the Presidio of San Francisco?

Answer. The general distance is between 2 and 3 miles.

Question 14. About how far is it from the place called Yerba Buena to the nearest point on the line established by you?

Question 14 objected to by claimant's counsel because the place called Yerba Buena is not sufficiently specified in it.

Answer. I do not know exactly where the southern limit of Yerba Buena might be said to be, and I cannot tell its distance from said line.

Upon examining the map and reflecting upon it, I think the place called Yerba Buena would come down to my line in dotted red ink on said map A, PL.

Question 15. About how far is it from the place called Presidio of San Francisco to the nearest point on the line established by you.

Answer. The divisadiro is the nearest point on the line, and is about $\frac{3}{4}$ of a mile.

Question 16. How far is it from the Presidio of San Francisco to Point Lobos?

Answer. Between three and three and a half miles.

Question 17. How far is it from the Presidio of San Francisco to Rincon Point?

Answer. It is about three and a half or four miles, I do not know precisely.

Question 18. How far is it from Rincon Point to Yerba Buena?

Answer. Yerba Buena extends to Rincon Point.

Question 19. How many buildings were there in Yerba Buena in 1846, and what extent of land did they cover?

Answer. I do not recollect.

Question 20. Were there any buildings in February, 1846, south of the present Pine street in this city?

Answer. I do not remember.

Question 21. How many buildings were there at the Presidio in February, 1846, and over what extent of land were they scattered?

Answer. I do not recollect.

Question 22. Were there any buildings, up to the time of the occupation of the country by the American forces, in Yerba Buena within one mile of Rincon point?

Question 22 objected to by claimant's attorney as irrelevant.

Answer. I think there were some buildings at that time within said distance.

Question 23. What buildings were they?

Answer. I think Richardson's house and Ludesdorff's were, Spear and Lease, and I cannot recollect any more.

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Question 24. Were there any buildings in Yerba Buena at that time within one mile of the point A in red ink, at the eastern termination of the said line established by you as marked on said map A, PL?

Question 24 objected to by claimant's attorney as irrelevant.

Answer. The nearest houses of Yerba Buena to that point then were two houses about where the Oriental hotel now stands, corner of Bush and Battery streets; I do not know whether it is a mile or not.

Re-examined by claimant's counsel.

Question 1. State what point you mean to fix as the Presidio when you say it is about three and a half or four miles from there to Rincon Point?

Answer. I mean the Presidio buildings now occupied as a garrison by the United States army, and I meant the same point when I gave its distance from Point Lobos and the Divisadiro.

M. J. VALLEJO.

Subscribed and sworn to before me, on this twentieth day of November, A. D. 1854.

PETER LOTT,
Commissioner.

Filed in office November 21, 1854.
GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 5, pages 732 to 745.
GEORGE FISHER, *Secretary.*

Deposition of T. E. Evershed.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *November* 24, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Thomas E. Evershed, a witness on behalf of the claimant, James R. Bolton, in case number 81 on the docket of said board; and said witness being sworn, deposed as follows:

The United States law agent is present.

Questions by Mr. Williams, for claimant:

Question 1. What is your name, age, and residence?

Answer. My name is Thomas E. Evershed; my age 30 years; my residence San Francisco, California.

Question 2. What is your vocation, and how long have you been employed in it?

Answer. I am one of the archive clerks in the office of the surveyor general of the United States for the State of California, and have been employed as such since September, 1853.

Question 3. Did you ever search the said archives for a book, purporting to be a registry of titles for the year 1846? If yea, did you find any such book, or is there any such in said archives?

Answer. I have frequently searched said archives in relation to the book referred to, and have never found any such book; and no such one exists in said archives, according to my best belief. The books are labelled, generally, for the years they relate to, and there is no book in said archives labelled Register Book of titles, for the year one thousand eight hundred and forty-six.

Question 4. Did you ever search the said archives for the proceedings of the departmental assembly for the year 1846, in regard to a grant made by Governor Pio Pico to Prudencia Santillan for the ex-Mission of Dolores? If yea, did you find such proceedings, or any espediente of such grant?

Answer. I have frequently searched said archives for the proceedings of the departmental assembly of 1846; and, at the request of sundry parties, have particularly searched for proceedings of said assembly in relation to the grant, and have found no such proceedings in relation thereto. With regard to the espediente in relation to said grant, there is no such espediente in said archives.

Cross-examined by United States law agent.

Question 1. Is there in said archives a journal of the proceedings of the departmental assembly for the year 1846?

Answer. Yes, there is such a journal. It consists of a manuscript, apparently original, of the daily sessions of said assembly and its daily proceedings in its session of the year 1846, as is now extant in said archives.

Question 2. How does it appear that said journal was kept; what are its apparent objects; and how and by whom is it authenticated?

Question 2 objected to by claimant's counsel as incompetent, asking to prove a record orally.

Answer. It appears to have been kept in the form of a journal, showing the record of each day's proceedings; said journal was for the purpose, apparently, of recording said proceedings. The days' sessions are authenticated by the signatures of Pio Pico as President, and Agustin Olvera as Secretary; and again by Pio Pico, President, and Narciso Botello as Secretary.

Question 3. Is there any minute or memorandum in said archives of such grant as referred to as having been made to said Prudencio Santillan?

Answer. To the best of my knowledge there is none; I have never seen any such.

Re-examined by claimant's counsel.

Question 1. Does the said journal referred to by you show the organization and final adjournment of said departmental assembly in 1846?

Answer. To the best of my recollection it shows the opening of the first day's session of that body in 1846; but I recollect no proceedings showing the closing of the session for that year.

Question 2. How many days' proceedings are recorded in said journal referred to?

Answer. I do not recollect; all I can now say is, that the first day's sitting was in March, and the last was July 24, 1846.

THOS. E. EVERSHED.

Subscribed and sworn to before me, November 24, 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 27, 1854.

GEORGE FISHER, *Secretary.*

Recorded in Evidence B., vol. 5, page 701.

GEORGE FISHER, *Secretary.*

Deposition of H. W. Halleck.

UNITED STATES LAND COMMISSION,
San Francisco, November 25, 1854.

On this day, before Peter Lott, commissioner for taking testimony, came Henry W. Halleck, a witness on behalf of the claimant, James R. Bolton, case number 81, who, after being duly sworn, deposed as follows:

The United States Law Agent is present.

Witness states his name is Henry W. Halleck; his age 38, and residence San Francisco.

Question 1 by claimant's counsel: How long have you been in California; in what capacity did you come here; and what offices have you filled since?

Answer. I came to California in January, 1847; I came as an officer of engineers to examine the Pacific coast with reference to military defences, under the orders of the United States Secretary of War.

A few months after my arrival I was appointed Secretary of State, which office I held until about the end of December, 1849, and, as such, had charge of the archives of the former Mexican government of California. I did not deliver them over until some time in February, 1850;

I then turned them over to Major Canby, Assistant Adjutant General of this military department.

While I had charge of them, they were kept in Monterey. They were subsequently removed to Benicia, and kept there until they were consigned to the care of the United States Surveyor General.

Question 2, by same. State whether while you were in charge of said archives, your orders required you to examine the same and report upon the land titles in California, and what opportunities you had of becoming acquainted with their contents?

Answer. I was directed by Governor Mason, to examine the archives and report on certain points connected with the said land titles; which I did.

The archives being very voluminous, the examination for want of time, was not very thorough.

The archives were also in great confusion and much mutilated, and were kept in different places in the town; parts of the same document were sometimes found in different places; with the assistance of W. E. P. Hartwell, I arranged them in the best manner I could under the circumstances.

When I first went to Monterey, in January, 1847, I found a portion of the archives in the custom-house, which was then used as a hospital for the sick soldiers and seamen.

They were piled up against the wall in a room in which the sick were lying, and the persons in attendance were using them as waste paper.

They were supposed to be custom-house documents and of no value; some weeks afterwards I picked up a mutilated document from the floor, and on examination, found it to be a part of an espediente in reference to a land title.

I called General Kinney's attention to it and he sent Mr. Hartwell to see what they were; he reported that they were a part of the archives of the government, mixed up with the custom-house papers, and they were then removed to a more secure place and locked up; another portion of what now constitutes the archives in the custody of the United States Surveyor General were brought by Colonel Frémont, from Los Angeles.

In, I think, the month of May, 1847, they were packed on mules, and were in a very bad condition, being very much torn and mutilated.

These constitute all the archives now in the custody of the Surveyor General, except a few that were brought in afterwards by individuals who stated that they were public documents belonging to the archives.

The fact of such deposits was in all cases, together with the date, endorsed on such document, either by myself or Mr. Hartwell.

Cross-examined by the United States Law Agent:

Question 1. Are you acquainted with José Prudencio Santillan, and with the Mission Dolores?

Answer. I am acquainted with said Santillan, and said Mission; I became acquainted with Santillan about April or May, 1847.

Question 2. Did you at any time make a report in reference to the mission lands; if yea, when was it made and to whom directed?

Question 2, objected to by claimant's counsel.

Answer. In the latter part of 1848, I drew up such a report; it was directed to Colonel Mason, as governor of California.

Question 3. Upon what information did you base that report?

Question 3 objected to by claimant's counsel.

Answer. Such information as I could derive from the archives, and from persons acquainted with the lands upon the points I was called upon to report upon by the letter of Colonel Mason, which was annexed to my report.

Question 4. Do you know of the occupation of the buildings attached to the mission Dolores by the American troops, or by any other persons under the directions of American officers? if yea, state when they were first thus occupied, and how long did they continue to be so occupied?

Question 4 objected to by claimant's counsel.

Answer. I never knew of any American troops occupying said buildings; in February, 1847, I saw some unknown families in said buildings, but I do not know, of my own knowledge, by what authority they were living there nor how long they remained there.

Question 5. Did the military governors issue any proclamations to the people of California in reference to their private property?

Question 5 objected to by claimant's counsel.

Answer. In the early part of the year 1847 General Kearney issued a proclamation with respect to mission property being left in the hands of the priest of the mission. He also issued a proclamation in relation to the private property of citizens, guaranteeing protection to them in their private rights; upon reflection, I do not now recollect whether it was a proclamation or simply an order respecting the mission property.

Question 6. Did Padre Santillan ever make any complaints about said occupation of said mission buildings.

Question 6 objected to by claimant's counsel.

Answer. Not to my knowledge; I have now no recollection of having any conversation with him on the subject.

Question 7. How were rents in San Francisco and its neighborhood from the spring of 1847 up to the commencement of 1850?

Question 7, objection same as above.

Answer. I do not consider myself competent to answer, as I was here but occasionally during that period; I only know they were enormously high in 1849.

Question 8. When did you first hear of the grant to Padre Santillan of said mission lands in this case?

Question 8, same objection as above.

Answer. In March, 1850.

H. W. HALLECK.

Subscribed and sworn to before me on this 25th day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 27, 1854.

GEORGE FISHER, *Secretary.*

Recorded in Evidence B, volume 5, page 705.

GEORGE FISHER, *Secretary.*

Deposition of A. M. De la Guerra.

UNITED STATES OF AMERICA, *State of California.* } *ss.*

SAN FRANCISCO, *November* 24, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners, in said State, Antonio Moria De la Guerra, a witness on behalf of the claimant, James R. Bolton, in case number 81 on the docket of said board, and said witness being sworn, deposed in Spanish, which was interpreted into English by the interpreter to said board, as follows:

The United States law agent present.

Questions by Mr. Williams, for claimant:

Question 1. What is your name, age, and residence?

Answer. My name is Antonio Maria de la Guerra; my age 28 years; my residence in Santa Barbara, California.

Question 2. Look at the document marked A, PL, exhibited in this deposition, and filed in case number 612 in the archives of this commission, purporting to be a deed from José Prudencio Santillan to Joaquin Carillo, and state whether you are acquainted with the handwriting of José Prudencio Santillan, Esteban Ortega, and Antonio Maria de la Guerra; if yea, state your means of knowledge?

And, also, whether their signatures in said document are genuine; and look, also, at the document marked B, PL, and filed in this case as an exhibit to this deposition, and state whether it is a true and correct copy of said document, A, PL, before referred to?

Answer. I am not acquainted with Padre Santillan's handwriting, any further than this, that I saw him sign his name here where it appears signed in this document.

I am acquainted with Esteban Ortega's handwriting; I have often seen him write, and saw him sign his name here to this document, and the other signature is my own.

I know the three signatures thereto to be genuine; and this document, marked B, PL and filed as an exhibit to my deposition, is an exact copy of said document, A, PL.

Question 3. When was the said document, A, PL, executed and signed by the persons above named?

Answer. At the time of its date, April 6, 1846.

Cross-examined by United States law agent:

Question 1. In whose handwriting is the body of the document, A, PL, before referred to by you?

Answer. I do not know who wrote it; I think it is in the handwriting of one Vicente Norraga, now deceased; I am not certain; it was presented to me in Santa Barbara, in 1846, to be signed by me as a witness; Joaquin Carillo presented it to me already written.

Question 2. At what place, in Santa Barbara, was said document signed?

Answer. It was in a house used for a court-house, (juzgado.)

Question 3. Who were present at the time of the signing of said document?

Answer. Joaquin Carillo, Padre Santillan, and Esteban Ortega were then present, and I do not now recollect whether others were present or not.

Question 4. How long had you known said Santillan when you saw him execute said document?

Answer. I think I first knew him in 1844, at the Mission of Santa Barbara.

Question 5. When you signed said document as a witness, did you know anything about the terms of the sale?

Answer. The document was read at the time, I think, by Joaquin Carrillo, in my hearing, and I understood then the terms and meaning of said document.

Question 6. About how long was said Padre Santillan in Santa Barbara on the visit on which he signed said document?

Answer. I do not know; he staid at the mission, and I know nothing of his coming or going.

Question 7. How often did you see him while he was there on that occasion?

Answer. I have not now any recollection of seeing him at any other time than that when he signed said paper; but I may have seen him on other occasions during said visit.

Question 8. Was you acquainted with Rodriguez de Poli; if yea, was he either present at the signing of said document, or about Santa Barbara at that time?

Answer. I know said de Poli. He was not there in 1846; he came there in 1850.

Question 9. Was not said de Poli at Santa Barbara, to your knowledge, before said document was signed?

Question 9 objected to by claimant's council as irrelevant.

Answer. I have already said he came in 1850 to Santa Barbara, and that is the first I know of his ever being there.

Question 10. Did said Santillan and said de Poli go together

to Santa Barbara in 1850; if yea, at what time did you first see them there in that year?

Question 10 objected to by claimant's council as irrelevant.

Answer. The said de Poli came to Santa Barbara in 1850 with my brother, Don Pablo de la Guerra, after the adjournment of the legislature; and I saw nothing of said Santillan about there at that time, according to my present recollection.

The United States law agent objects to the reading of the foregoing deposition in evidence in this case, because it is in the matter proved *res inter alius acta.*

ANTONIO DE LA GUERRA.

Subscribed and sworn to before me on this 24th day of November, A. D. 1854.

PETER LOTT,
Commissioner, &c.

Filed in office November 27, 1854

GEORGE FISHER,
Secretary.

Recorded in evidence B., vol. 5, page 703.

GEORGE FISHER,
Secretary.

Deposition of A. Vandorn.

UNITED STATES OF AMERICA, } ss.
State of California }

SAN FRANCISCO, *November* 27, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Aaron Vandorn, a witness on behalf of the claimant in case No. 81 on the docket of said board, and said witness being sworn, deposed as follows:

The United States law agent is present.

Questions by Mr. Williams for claimant:

Question 1. What is your name, age, and residence?

Answer. My name is Aaron Vandorn; my age 30 years; my residence in San Francisco, California.

Question 2. State what is your occupation, and how long have you pursued it?

Answer. I am a surveyor, employed as a United States deputy surveyor by the United States surveyor general for California. I have been in the pursuit or occupation of surveying for about eight years.

Question 3. Do you know whether or not the lands embraced

within Yerba Buena on the north, the Presidio of San Francisco on the northwest, the lands of Don Francisco Haro on the west, a part of the rancho of the Sanchez on the south, and the bay of San Francisco on the east, have ever been surveyed? If yea, by whom and when?

Question 3 objected to by the United States law agent as leading, and that it assumes the witness' knowledge of the boundaries of the locations named in said question.

Answer. I do know that the lands named have been surveyed; they were surveyed by myself, and by others with whose surveys I connected. The surveys I made were made in September and October of this year, 1854.

Question 4. What quantity of land is contained within the limits described in the last above interrogatory?

Question 4 objected to by the law agent on the same ground as above.

Answer. There are contained therein 29,717 acres, a very little more or less; according to my calculations the exact amount is $29,717\frac{57}{100}$ acres. I think this is correct, though in a survey of such size and boundaries there may be slight errors.

Question 5. In making this survey, how did you ascertain the western boundary line of the land surveyed?

Answer. By first locating the eastern boundary line of the estate of Francisco de Haro, known as the Galindo grant; which location I made by commencing at the northwest corner of the Buri Buri rancho, and establishing the line thence between the Galindo grant and the San Pedro rancho to the sea shore, and afterwards laying out a half league of land in width, running one league in length, along said sea shore.

Question 6. In locating and establishing said boundary, as last mentioned by you, upon what data did you proceed?

Answer. By referring to the original papers in the two grants of Francisco de Haro, of the Galindo rancho and the San Pedro rancho to the Sanchez, and the decree of confirmation of the Buri Buri rancho, I ascertained that the north boundary of the San Pedro rancho was made the southern boundary of the Galindo grant, and that this common boundary is represented on the diseño of both the Galindo and San Pedro grants, above named, by natural objects, and that said boundary was run to correspond with said natural objects. This information enabled me to establish my starting point; and the extent of land called for in the said Galindo grant directed me in laying off the one league from north to south, by a half league from east to west, which I mentioned. The documents I allude to as my data I herewith file, marked, respectively, A, PL, B, PL, and C, PL, and annexed to this deposition.

Question 7. Look at the four traced copies of espedientes, heretofore filed in this case, as exhibits to the deposition of M. G.

Vallejo on November 17, 1854, and state whether or not the lands in them described are contained within the lines of your survey mentioned by you in your answer to the 3d question above?

Answer. The lands described in these four documents are all embraced within my said survey.

Question 8. State what quantity of land is contained in your said survey, after deducting the quantity contained in the descriptions in said four traced copies of espedientes last spoken of?

Answer. The land described in said four traced copies claims to contain four and a quarter leagues; taking that quantity for granted, and deducting it from the whole area of my survey and it will leave still in my survey 10,186 $\frac{28}{100}$.

Question 9. In making your said survey, upon what data, other than you have already mentioned, did you proceed?

Answer. I proceeded upon what I understood to be the terms contained in the grant to Padre Santillan; I derived that understanding from the oral statemnets of individuals and common reports; I understood them to be the terms or boundaries mentioned in the 3d interrogatoy above, and in addition thereto the Pacific Ocean; I understood it to be one of the western limits.

Question 10. If you have your field notes of the survey which you say you made in this case, please to produce and file them herewith?

Answer. I have them here in this pamphlet form and marked in the corner D, PL, exhibit annexed to this deposition.

Cross-examined by United States law agent.

Question 1. What was your starting point in making this survey?

Answer. What is called Steamboat Point at the shore of the bay was my starting point.

Question 2. Is there any call in the grant to Santillan which would designate Steamboat Point as a starting point?

Answer. There is none that I know of.

Question 3. Did you ever see the grant to Santillan or a copy of it?

Answer. I never did see either.

Question 4. Suppose the grant to Santillan described the boundaries as follows:

Bounded on the north by Yerba Buena, on the northwest by the Presidio of San Francisco, on the west by the lands of Francisco de Haro, on the south by a portion of the Sanchez Rancho, and on the east by the Bay of San Francisco; from such description could any two surveyors, without concert of action, survey the lines alike?

Answer. They would survey the bay shore alike, and with full information of these boundaries they might arrive at like results.

But upon the bare description associated in your question, without such data as I have described, I think the indefiniteness of the

terms, without aid from such data, would make the results quite uncertain.

If the information given to two surveyors of the boundaries mentioned were precisely alike, the surveys they would make would be alike.

Question 5. Is it not a notorious fact that the two first lines run by you, or the lines from Steamboat Point to the Divisadiro and from thence to Point Lobos, are a subject of dispute in point of proper location?

Answer. Yes, I believe it is notorious that these lines are in dispute.

Question 6. How far south of the line run by you do some claim said line ought to run?

Answer. I believe some claim the line ought to run about a half mile further south all the way through from the bay to the ocean, or in other words, from what is now called Mission creek to a conical hill by a line on the south side of the cemetery, and thence to a point on the sea shore, near the seal rock house.

Question 7. Do not others claim that there is no line and never has been?

Answer. I do not recollect of hearing such a proposition claimed by any one.

Question 8. How far is it from Point Lobos to the rancho of Francisco de Haro or Galindo Rancho?

Answer. As I ran the line it is about 6¾ miles.

Question 9. About how far would be the shortest distance from Point Lobos to the northeastern corner of said Galindo Rancho?

Answer. It is five and two-thirds miles.

Question 10. In running the line from Point Lobos to the Galindo Rancho aforesaid, along what natural objects did you run, and to what point of said Galindo Rancho?

Answer. I ran along the sea shore to the most northerly point, where said rancho touches the ocean.

Question 11. What portion of said rancho is nearest to Point Lobos?

Answer. Its most east corner is the nearest.

Question 12. After deducting from your survey in this case the identical lands described in the four traced copies of espedientes, filed as exhibits to the deposition of M. G. Vallejo, in this case, of November 17, 1854, does any of the remaining land in your survey touch the bay of San Francisco?

Answer. I believe, independent of those grants, there is about a half mile of the line of Mission Bay which would still form a water front to my survey.

Question 13. Suppose your starting point had been made at what is now called Mission creek, would there then have remained any such water front in your survey on said bay of San Francisco?

Answer. I can only answer that I do not know, for until the

boundary on the north of the Potrero Nuevo grant is definitely established, I cannot tell what margin would remain there.

Question 14. What ranch or ranchos lie immediately east and adjoining to the Galindo or the de Haro ranch?

Answer. I believe the de Haros claim further east than I understand their papers to call for, and taking what they claim to be the Galindo Ranch, then the Ranchos of Visitacion (Luses) and San Miguel (Noe's) will adjoin it on the east; but according to my survey, these ranchos do not extend so far west as I find the eastern boundary of said Galindo Ranch.

Question 15. Do not the lands embraced in the four espedientes, before spoken of as exhibits to said Vallejo's deposition of November 17, 1854, extend along the whole length of the northern line of the Sanchez (Buri Buri) Ranch?

Answer. They cover the whole northern boundary of said Buri Buri Ranch, if we admit that the Galindo Ranch of the de Haro claim along said north side of Buri Buri. But they do not cover it all by that difference, if the eastern boundary of said Galindo Ranch is where I have found and established it.

Question 16. Have the lands embraced in the Galindo Ranch of the de Haro ever been located by the surveyor general, under a decree of confirmation, to your knowledge?

Answer. No, they have not, to my knowledge.

Question 16 objected to as calling for secondary proof.

Re-examined by claimant's counsel.

Question 1. In making your survey, where did you establish your beginning point, and to what point did you run from thence?

Answer. I commenced at the southernmost portion or projection of Steamboat Point, and run the line to a point or spot known to me as the divisadiro, and thence to what I understood to be Point Lobos.

Question 2. Where is the hill which was pointed out to you as the divisadiro?

Answer. It is a plateau of land within the grounds of the Lone mountain boundary, and is about a half mile S. S. E. from the Presidio buildings.

Cross-examined by United States law agent.

Question 1. Who pointed out this spot to you as the divisadiro?

Answer. George W. Wright pointed it out to me.

Question 2. How long have you resided in California?

Answer. A little more than two years.

AARON VANDORN.

Subscribed and sworn to before me, on this 27th day of November, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office November 28, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol., page 711.

GEORGE FISHER, *Secretary.*

Deposition of A. A. Green.

UNITED STATES OF AMERICA, *State of California.* } *ss.*

SAN FRANCISCO, *December* 11, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of United States Land Commissioners in said State, Alfred A. Green, a witness on behalf of the United States in case No. 81 on the docket of said board, wherein James R. Bolton is claimant; and said witness being sworn, deposed as follows:

Mr. Dwinelle, counsel for claimant, is present.

Questions by Mr. Brown for the United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Alfred A. Green; my age twenty-six; my residence in San Francisco county, California.

Question 2. Are you acquainted with the Mission Dolores; if yea, how long have you known it?

Answer. I am acquainted with it, and have known it since the spring of 1847.

Question 3. Are you acquainted with José Prudencio Santillan; if yea, how long have you known him?

Answer. I do know him, and have known him since 1849.

Question 4. Have you ever conversed with said Santillan concerning the lands of said Mission Dolores? if yea, state when, and the substance of said conversation.

Answer. I had several conversations with him concerning said mission lands. My object was to speculate, and get a quit claim deed from him of any right or title he might have in said lands. He always told me he had no title, and that he was a simple cure, and could give no title.

After trying three or four times, I always received substantially the same answer, that he had no paper and could give none.

Question 5. State whether this conversation was general, respecting all lands at and about said Mission, or was it respecting some particular part of said lands?

Answer. Our conversation applied generally to all the Mission lands, but my object was to get a particular 160 acres of said land.

Question 6. In 1847, when you first knew these lands, about what quantity of stock roamed between the Sanchez ranch and a line extending due west from the head of the stream now called Mission creek, which runs along north of the Mission buildings.

Answer. I do not now recollect having noticed particularly at that time, but taking all the stock which was then to be found in the neighborhood of the Mission, embracing what is called the Noe ranch and the Bernal claim of the Potrero, there must have been some four or five thousand head.

Question 7. How was the greater part of what was called Mission lands used from the time you first knew them down to the year 1849; were they used by any particular individual, or by the inhabitants generally?

Answer. They appeared to be used for grazing purposes generally, in common by all the inhabitants in the neighborhood for their stock.

Question 8. When did you first hear of this Santillan grant?

Answer. I heard of it first early in the spring of 1850, shortly after Doctor Poli got back from Los Angeles.

Question 9. Look at the map filed in this case November 21, 1854, and marked A, PL, as an exhibit to the deposition of M. G. Vallejo in this case, and state, as near as you can, how many people are now residing on the land embraced between the red dotted line on the northern part of said map and the line on the southern part of said map, purporting to be the line of Buri Buri estate of Sanchez, who hold adversely to the claim in this case.

(This question 9 objected to by claimant's counsel.)

Answer. To the best of my knowledge there are over 1,000 persons who reside within these limits who hold adversely to this claim.

Question 10. About what proportion of the land embraced within said limits was held adversely to this claim in March and April, 1850?

(Question 10 objected to by claimant's counsel.)

Answer. I do not think there was any of said land at that time which was not either covered by Spanish claims adverse to this, or by the claims of settlers, (squatters.)

Question 11. Did you ever hear of said Santillan making any objection whatever to the occupation of those lands by the settlers?

(Question 11 objected to by claimant's counsel.)

Answer. I never did.

Question 12. Was it not a notorious fact that all the most valuable of those lands were occupied by settlers in the spring of 1850?

(Question 12 objected to by claimant's counsel.)

Answer. All the valuable portions of what was considered Mission lands were at that time occupied thus.

Cross-examined by Mr. Dwinelle, for claimant:

Question 1. Do you hold, claim, or occupy any lands in the ex-Mission of Dolores adversely to the claim in this case?

Answer. Hold some under the claim which is called the Bolton title. I hold also land under the de Haro claim, which I have recently understood will be covered by the claim in this case. If the de Haro title does not succeed, that the claims of de Haro and Bolton lap over each other on the land I have there.

The claimant's counsel objects to the first part of this answer, as volunteered by the witness.

Question 2. Having made this explanation, will you answer the question whether you hold, claim, or occupy any land adversely to the claim in this case?

Answer. If you will take the map and point out to me what the Bolton claim is, I can answer the question. I have always understood the claim to be an indefinite one, and I don't know exactly the extent of it. Mr. Wright himself told me he did not know what would be its boundary until those other claims were settled.

Question 3. What lands do you hold under the Bolton title?

Answer. I hold a portion of a tract which I purchased in 1851 from James R. Bolton; I hold some 50 vara lots in said tract, but I cannot say how many.

Question 4. Did you pay said Bolton for said lands you purchased of him?

Answer. I did; I paid it all.

Question 5. Have you participated in the endeavors of settlers to defeat this claim?

Answer. I attended a meeting at McLaren's Hotel some two or three weeks since. The meeting was called for the purpose of opposing this claim, though my interest lies in having this claim confirmed.

Claimant's counsel objects to the last part of answer to question 5 as volunteer and irresponsive.

A. A. GBEEN.

Subscribed and sworn to before me December 11, 1854.

PETER LOTT,
Commissioner, &c.

Filed in office December 12, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, p. 57.

GEORGE FISHER, *Secretary.*

Deposition of F. P. Tracy.

UNITED STATES OF AMERICA, } ss.
State of California, }

SAN FRANCISCO, *December* 11, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Frederick P. Tracy, a witness on behalf of the United States in case No. 81 on the docket of said board, wherein James R. Bolton is claimant, and said witness, being sworn, deposed as follows:

The counsel present for claimant are Messrs. Williams and Dwinelle.

Questions by Judge Brown for the United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Frederick P. Tracy, my age 39 years, and my residence San Francisco, California.

Question 2. Are you acquainted with Padre Santillan? If yea, how long have you known him?

Answer. I first saw him in December or November, 1849, and from that time till he left the Mission Dolores I was slightly acquainted with him. Since that I have no knowledge of him.

Question 3. Did you hold any offices in California in 1849 and 1850? If yea, what offices or office, and during what time?

Answer. First, I was appointed a justice of the peace December 8, 1849, by Horace Hawes, prefect of the district of San Francisco, which appointment was afterwards confirmed by the acting governor, (Riley.) The appointment was for the Mission Dolores. I held that office till the Mexican laws were abrogated by the legislature, and the office fell with them. Second, I held the office of a commissioner of the court of first instance in the district of San Francisco from some time in the winter of 1849 and 1850, until that court was suspended by the same cause. These are the only offices I held in those years.

Question 4 Who was sub-prefect at that time, and of what nation was he?

Question 4 objected to by claimant's counsel.

Answer. There were two sub-prefects at that time. One was P. A. Brinsmade, an American, and the other was Francisco Guerrero, a Mexican of Spanish extraction.

Quession 5. While you held the office of justice of the peace, did you make grants of vacant lands lying about the Mission Dolores? If yea, state about how many, where located, and in what manner said grants were made.

Question 5 objected to by claimant's counsel.

Answer. While I was justice of the peace, I made grants of land which I presumed to be vacant. The number of these grants I

cannot state from memory, and it would be impossible, without a detailed examination, to state the location of them.

The language of the grants themselves being official acts, is the best evidence of the manner in which I made them.

Question 6. What was the first step towards obtaining a grant?

Question 6 objected to by claimant's counsel.

Answer. The presentation of a petition.

Question 7. By whom would such petition be presented generally?

Question 7 objected to as above.

Answer. By the party asking the grant.

Question 8. What was done next, after the presentation of the petition?

Question 8 objected to as above.

Answer. That depended entirely upon the amount of the land asked. If a grant of 50 varas was asked, I acted upon it directly; if more than 50 varas, I referred it to the prefect for direction.

Question 9. In cases when the petition was referred to the prefect for direction, what was the next step?

Question 9 objected to as above.

Answer. He referred it to the sub-prefect for information.

Question 10. For what kind of information was it referred to the sub-prefect?

Answer. For information whether it would be proper to make the grant.

Question 11. Was any information required as to whether the lands were vacant or not? and in cases where the petitions were referred to the sub-prefect, state the substance of the report of the sub-prefect where the lands prayed for were vacant.

Answer. The order did require information whether the lands were vacant, among other things.

I cannot answer the second branch of the question directly, because I do not know that any of the lands were vacant; and in making the grants I always reserved that question by inserting in every grant that it was made subject to any prior and better right or title, as well as subject to the superior title of the United States.

Question 12. In cases that were referred to the prefect and sub-prefect state whether you ever made a grant of lands without a report of the sub-prefect that they were vacant?

(The 10th, 11th, and 12th questions objected to by claimant's counsel.)

Answer. I am unable to say. After one or two grants were made the sub-prefect changed the form of his information into a recital of the order of the governor of California, giving to the justice of the peace of the establishment of San Francisco de Asis power to grant lands to the extent of 50 varas square. I am not able to say whether, in the informations of that class, he stated

in addition that the lands were vacant. But his oppositions to grants of lands of more than fifty varas square, at an early period, put an end to grants of any larger tracts. I have further to say, that all or nearly all the grants of 50 varas are of record in the recorder's office.

Question 13. Do you recollect any instance where a grant was made upon the report of a sub-prefect, without a certificate that the lands were vacant?

Answer. My impression is, though I cannot be certain without a reference to the documents, that a few grants were made without that certificate, and then the trouble caused by it stopped the making of those large grants.

Question 14. State what was the general rule in reference to that subject?

(The 13th and 14th questions objected to by claimant's counsel.)

Answer. In regard to the vast majority of all the grants I made, no information was required as to whether the lands were vacant or not. In regard to those petitions referred to the prefect, his order to the sub-prefect did generally require information whether the lands were vacant or not.

Question 15. State as near as you can how many grants were made by you while in office?

Answer. It is impossble for me to state. I made an official report to the prefect of the number of grants made, and had a copy myself, which was burned in the fire of 1850 in San Francisco. There might have been some eight of the large grants, and probably over fifty in all.

Question 16. State if know the northern line as claimed by the claimant in this case, and also whether you know the southern line of said claim as the line of the Buri Buri Rancho, and state whether the lands granted by you were between those two lines or not?

(The fifteenth and sixteenth questions objected to by claimant's counsel.)

Answer. I only know, from reading the papers in the case, that the northern line of the claim is the southern line of Yerba Buena.

But where the southern line of Yerba Buena falls I do not know; I know the reputed northern boundary of the Sanchez ranch of Buri Buri.

The lands I granted laid northwardly of the said line of Buri Buri; all the lands which I granted lie within a circle of three-quarters of a mile from the mission buildings of Mission Dolores.

Question 17. State whether you, as commissioner of the court of first instance, ever took the testimony of José Prudencio Santillan; if yea, when, in what case, and to what did he testify?

Answer. I took his testimony informally (for he did not sign

his deposition) in only one instance, in the case of Charles Brown *vs.* O'Connor, on the 3d day of April, 1850.

His testimony, as taken and reduced to writing by me on that occasion, is the same as is contained in the document herewith filed by me, marked A, PL, annexed to the deposition of Frederick P. Tracy, December 13, 1854, which is a true copy of the original, as written by me at the time of the taking of said testimony.

I have compared this copy with the original, and it is a correct copy; the original paper belongs to me, but it is out of my hands. I have seen it in the hands of Thomas Hays, and I never see it here in the hands of the counsel for the government in this case, and I do not know who claims to be the custodian of it, except so far as I have seen it in the hands of those I have mentioned.

Claimant's counsel objects to this answer being read in evidence, as also the exhibit A, PL, on the ground of its admissibility, and waving any question of the correctness of the copy.

Question 18. What is the reason Santillan did not sign that deposition?

Answer. The reason why he did not sign it was as stated in the certificate at the end of the said document.

Question 19. Did he, in his testimony on that occasion, state that he had leased the lot of land in dispute in that case to O'Connor and Salmon; if yea, in what right did he state he made said lease?

Answer. All he did testify to is contained in the document which I have made part of my answer to question 17, and the answer to that question respecting the lease is contained in that document.

The question as then asked Santillan was, "In what capacity did you lease that land to Salmon and O'Connor?"

The answer was, "According to my own rights as curator of this mission, José Prudencio Santillan."

Question 20. Do you know the tract of land in dispute in that case between said Brown and O'Connor; if yea, how far and in what direction does it lie from the mission buildings?

Answer. I do know said tract; it lies on Centre street, I think, about sixty feet east of Guerrero street. It is east of the mission buildings. I cannot give the distance nearer than to state that Dolores street, one block of lots, Guerrero street, and about sixty feet on another block, lie between it and said buildings.

Question 21. State where said Santillan went after the taking of his said testimony, and about how long was he absent?

Question 21 objected to by claimant's counsel.

Answer. Where he went I only know by hearsay, and the time when he returned I do not know. I next saw him, perhaps three or four weeks afterwards; I cannot state the time.

Question 22. Look at the document now shown to you marked

X, PL, as an exhibit to this deposition, and heretofore filed in this case, and state whether you have ever seen it before; if yea, when you first saw it, whether before or after taking the testimony of Santillan in said case of Brown *vs.* O'Conner, and in whose hands was it at the time?

Answer. I have seen this document before. The first time I saw it was a few weeks after the testimony in question was taken. It was then shown to me in Santillan's room in the Mission buildings, he being present, as also Rodriguez de Poli and Robert T. Ridley.

Question 23. While you were acting as justice of the peace at the Mission Dolores, did Santillan object to your making grants to lands in the vicinity of said Mission, if yea, when did he first make such objection?

Answer. While I was justice at the Mission I was unable to speak Spanish to any extent, and never conversed directly with him.

Personally he never made any objection, for I never talked with him; the first objection he ever made in my presence was on the occasion when I was called into his room, at the time I have mentioned, and said last mentioned document shown to me.

I was called there, as I understood, for the purpose of learning his objections to the course I had taken in making grants, which objections he then made through an interpreter, and I had before that, I cannot recollect how long, seen a publication in the newspapers, with his name, I think, purporting to be subscribed to it, in which he claimed the Mission lands.

Question 24. Had you ever heard of the grant to Santillan before he gave his said testimony before you as a commissioner, as before stated?

Answer. The first time I ever heard of his said claim was on the publication in the newspapers, which I have mentioned, with one exception, which is, that the wife of Bruno Valencia forbid me to make a survey on a piece of land with the Mission buildings, saying that Padre Santillan had given that land to her, and that the lands belonged to Santillan; that must have been some time in January, 1850.

The date of the publication in the newspapers I do not remember, but at that time I did learn of the grant to Santillan; but whether it was before or after the taking of said Santillan's testimony I do not now remember.

Question 25. What was the appearance of the said grant when you first saw it? had it been folded, was it worn, and had it the appearance of having been carried in the pocket?

Answer. The grant, when I first saw it, was much cleaner than it is now; it had been folded, was some worn, not as much as at present.

And I cannot judge about its having been carried in the pocket

It was a clean document, such as come out of the archives here. *Note.*—The witness requests to add to his answer to question 16, in chief, in correction or explanation thereof, that since giving that answer he has made examination and corrects his answer so far as to say that, after the change referred to, the informations of the sub-prefects were in the following words:

ESTABLISHMENT OF DOLORES,
January 8, 1850.
SUB-PREFECTURE OF THE
DISTRICT OF SAN FRANCISCO.

"In virtue of the superior decree attached to the present petition, I have the honor to state that the land which is requested "formerly belonged to the Mission Dolores, and by the order of "the departmental government of California.

"Powers were issued to the justice of the peace of this jurisdiction to make grants of lots, but not to exceed fifty varas square "in consequence of the limited space for a township.

"And that the government reserved to itself the power to make "larger grants, his honor, the perfect, will therefore, if he deems "it convenient, sanction the present request after due investigation "by the justice of the peace, as these lands are not yet surveyed.

"Who will inform himself by some of the inhabitants of the "vicinity, and the titles of the adjacent lands, if this petition does "not intefere with previous rights; for which reason he will "please to transmit the present to the corresponding authority. "Fha. est supra.

"FRANCO. GUERRO,
"*Sub-Prefecto.*"

Cross-examined by claimant's counsel.

Question 1. In your answer in which you refer to the publication over the name of Santillan you state that it purported to be made by him, as his name was thereto attached; now look at the document shown to you, marked Y, PL, and annexed to this deposition, and state whether this is the advertisement to which you referred?

Answer. This is the advertisement to which I referred. My recollection is that it was published in the Pacific News; and its being directed against me called my attention to it particularly. I have no doubt it was published at the time of the date it bears.

Question 2. In what language did Santillan give the testimony before you as commissioner as aforesaid?

Answer. He spoke in Spanish.

Question 3. State whether Santillan at that time understood English, and whether you then understood Spanish?

Answer. At that time I could not speak or understand but a

few words in Spanish, and was never able to converse with him personally because he could not speak English. I was always obliged to employ an interpreter to converse with him.

Question 4. Was this testimony, of which A, PL, is a copy, ever read over to Santillan after it was reduced to writing?

Answer. No.

Question 5. In asserting his right to the lands spoken of as curator of the mission did Santillan use the word curator or procurador?

Answer. Of myself I do not know what words he used; I only know through the interpreter.

Question 6. Did not Santillan, at the time of his said examination, use language which was not responsive to the questions put to him, and for this reason not taken down by you, but which asserted for him a general right to the lands of the mission?

Answer. He used a great deal of language which was not responsive, and which was not taken down. He was unwilling to testify, and was brought before the commissioner by attachment, and after coming before me, and being sworn, said many things which I did not think it necessary to take down as they were interpreted to me.

Many things he said were not interpreted to me, because, the interpreter said, they did not relate to the matter in controversy, and were of no consequence.

Whether he asserted any general right to the lands of the mission, I am unable to say further than I have stated; he might or he might not have done so.

Question 7. Has not the phrase the mission, since you have been conversant with it, been used in two senses; first, the Mission church and adjoining buildings, and, second, by the whole tract of the mission lands?

Question 7 objected to as new matter and leading.

Answer. Yes.

Question 8. State what, according to your observation, were the characteristics of Santillan as to being bold and open, or timid and suspicious?

Question 8 objected to as irrelevant.

Answer. So far as I had an opportunity to observe him, he was an exceedingly suspicious, and, probably, a timid man.

He was a man who never revealed himself, and of whom his own people at the mission knew little more than that he was Padre Santillan.

Question 9. Have you ever heard Santillan, even when claiming the ownership of the Mission lands, say that he did not want them for himself, but for the benefit of the church?

Question 9 objected to as incompetent declarations to claimant.

Answer. As I have stated, my only conversations with him were through an interpreter; at the interview in his room, which

I have mentioned, he made, through Mr. Ridley, some such statement; but the exact words of it I cannot exactly remember.

But I remember the argument that I was doing very wrong in making grants, and I remember that Dr. Poli corrected the impression which I should have received from the remark, by producing the grant itself and showing it to me.

Question 10. When did you first learn that Santillan claimed the mission lands?

Answer. I have already answered that question.

Question 11. Was there, in 1849, any generally reported boundary line between the Mission of Dolores and Yerba Buena or San Francisco?

Question 11 objected to by law agent as new matter and hearsay.

Answer. It was generally expected that there was a boundary line; and in the early part of the session of the legislature that winter the people of the mission sent Charles V. Steward and Joseph P. Downey as a committee to San José to prevent the incorporation of the mission in the city of San Francisco, with a petition setting forth that they were separated by an established boundary, and had few common interests, and ought to be kept separate; as to the particular boundary I have no knowledge, except from information given to me by Francisco Guerrero, who often told me that he assisted to run the line with General Vallejo; and in passing over the ground, which we often did together, he several times pointed out to me where the line which he helped to survey run.

By his statement it crossed the old Sand road a considerable distance this side of the house of Thomas Hays, and run through or near the stump of a tree which had been cut down.

He stated to me that he commenced the survey at what is now called Steamboat Point, and run to what was interpreted to me as Sentine Hill.

I do not now recollect whether he used the term Divisadiro; I think he did.

He once made a map of this line on a post of Judge Brown's law office, in Clay street; which, if the paint were removed from the post, might still be found there.

I myself have no knowledge of the line, except as he told it to me.

Question 12. During what years did Guerrero make these communications to you?

Answer. At first during the winter of 1849 and 1850, when the effort was being made to keep the Mission out of the corporation of San Francisco; and afterwards, at several periods down to the time of his death, which I think was in 1851.

Question 13. Was this the same Francisco Guerrero you have spoken of as having been sub-prefect?

Answer. He was the same person.

Question 14. State whether he was an old or new resident of California?

Answer. I only know by representation that he had been here a very long time; I came in 1849.

Question 15. Did said Guerrero tell you in what year said line was run by Vallejo?

Answer. He did, but I do not remember; I have the vague impression of 1836 on my mind, but I will not swear to it, for it may be very erroneous. He fixed it before the American conquest.

Re-examined by United States law agent.

Question 1. When did you first go to reside at the Mission Dolores?

Answer. I first went to said Mission in November, 1849, and began to reside there either in the latter part of that month or in the next month, December.

Question 2. Did you ever go with Guerrero to the hill you speak of as Sentine Hill?

Answer. No, he merely pointed it out to me.

Question 3. What Spanish word did Guerrero use to signify the name?

Answer. I have already stated that I think he called it Divisadiro, but the coversations I had with him at first were carried on through others, generally Robert T. Ridley or Joseph T. Downey.

Question 4. Did Guerrero ever tell you why that line was run?

Answer. He said it was run under the orders of or by General Vallejo, commandante of the frontier of the north.

Question 5. Did he ever tell you what lands were to be separated by that line?

Answer. He said that it was the line of Yerba Buena, for the purpose of making it a port.

Question 6. You have given the words of the information of the sub-prefect to the prefect, can you now give the words of the order of the prefect to the sub-prefect?

Answer. Yes; they are as follows:

"PREFECTURE OF SAN FRANCISCO,
"*January* 2, A. D. 1854.

"The annexed petition is referred to Francisco Guerrero, esq., sub-prefect, who will report whether the land asked for be vacant, and if there exist no opposing possession or claim to the said land.

"The justice of the peace at the Mission of Dolores will make a grant thereof, conformable to the prayer of said petition and the laws.

"HORACE HAWES, *Prefect.*"

After the information, the following, in the form of the order, addressed to me as justice of the peace:

"If the land is vacant and the applicant be a citizen of the United States, let the grant be made without prejudice to any prior and better right and title, and subject to the superior title of the United States.

"HORACE HAWES, *Prefect.*

"JANUARY 12, 1850."

Question 7. Have you been retained as counsel for the claimants in this case in which you are testifying?

Answer. I have been so retained a few weeks ago by the claimants.

Question 8. Had you at any time stated to any persons before being retained, that you were possessed of information detrimental to the interests of the claimants.

Answer. From the first time that I heard of the Bolton and Barron claim I proclaimed myself opposed to it, and made grants in opposition to it, as I have testified to-day.

The facts which I have testified to to-day I have long since communicated to Judge Brown, and a portion of them to Judge Southerland and to Mr. McKime, all of whom are now acting as counsel for the government in this case, as far as I could do so in general conversations.

I have also communicated the same facts to the claimants in the case, and if the persons named have attended to what I said, they knew as well before I testified to-day what I would testify to as they now know.

With the knowledge of what the facts were within my recollection, and with the knowledge that they would be testified to, even though prejudicial to the claim, I accepted a retainer from the claimants, for the reason that more recent developments have wholly changed my opinion as to the validity of the claim.

Cross-examined again by claimant's counsel.

Question 1. State whether or not the counsel for the United States, who called you to the stand as a witness in this case, knew at the time they so called you as a witness of your position as counsel in the case?

Answer. Judge Brown, who conducted this examination on the part of the government, knew it, and he informs me now, before the Commission, that they all know it. F. P. TRACY.

Subscribed and sworn to before me on this 13th day of December, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office December 19, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, page 72.
GEORGE FISHER, *Secretary.*

Deposition of Elcan Heydenfeldt.

UNITED STATES OF AMERICA, *State of California,* } *ss.*

SAN FRANCISCO, *December* 19, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners, in said State, Elcan Heydenfeldt, a witness on behalf of the United States, in case number 81 on the docket of said board, and said witness being sworn, deposed as follows. The claimant is James R. Bolton:

The counsel for claimant is present.

Questions by the United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Elcan Heydenfeldt; my age is 34 years; my residence San Francisco, California.

Question 2. Have you ever had any conversation with General Mariano G. Vallejo concerning the line which he established as the southern line of Yerba Buena, generally known as the Vallejo line; if yea, state when, where, and what those conversations were, according to the best of your recollection?

Question 2 objected to by Mr. Dwinelle, for claimant, as secondary hearsay testimony, irrelevant and incompetent.

Answer. I had conversations with General Valljeo, in the winter of 1850, concerning the Pueblo line; it was the winter at the beginning of 1850 when I went to the senate; he was a senator with me; so far as any line was called the Vallejo line, I had no conversation with him, for I never knew any particular line by that particular name. The conversation I had with said Vallejo was with regard to conversations which I represented to him that I had had with Francisco Guerrero, the sub-prefect of this district, previous to that time.

In the latter part of 1849, and the early part of 1850, I lived at the Mission Dolores, in what was known as the casa cural, in an adobe house adjoining the church. At the time of my election to the senate the inhabitants of the mission, believing that the city would be incorporated, were very adverse to having the mission incorporated with the city, and solicited me as their peculiar representative to prevent the same if I possibly could.

I then endeavored to obtain from them information of what was called the pueblo line of San Francisco, or the pueblo of Yerba Buena. Francisco Guerrero, the sub-prefect of this district, acting as such at the time, with Robert T. Ridley, as interpreter, accompanied me from the commencement to the terminus of what

he (Guerrero) represented to me to be the southern line of the pueblo.

That line commenced at the mouth of the Mission Creek, a place almost fronting a point that is called White Rock, a rock in the Bay of San Francisco.

Thence running westerly until you arrive at an abrupt bending of the creek southwardly; thence leaving the creek and running westwardly to near the summit of a large hill a little south of the mission buildings, a rocky hill.

Thence, again, westwardly to what was known as the Divisadiro, or Point Lookout. Point Lookout is the highest of these hills, a little north of the mission buildings.

I will state respecting my conversation with General Vallejo, that being desirous that the mission should be left out of the incorporated limits of the proposed city.

And having disputed with Mr. Randolph, whom I recognized as the leader of the delegation in the assembly from this city, with regard to the boundaries,

I made the appeal to the members of the Senate, of which I was a member, to aid me in the premises. In my conversation with General Vallejo upon this subject, presenting to him

The line, as I have described it, as emanating from Francisco Guerrero. He agreed with me that that was the line, and agreed with me to support me in the premises.

The reason that a line was not fixed leaving the Mission out in the incorporation of the city, was that the delegation from San Francisco agreed upon a line running at a certain distance from the centre of Portsmouth square.

E. HEYDENFELDT.

Subscribed and sworn to before me on this 19th day of December, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office December 19, 1854.

GEORGE FISHER, *Secretary.*

Recorded in Ev. B, vol. 11, page 71.

GEORGE FISHER, *Secretary.*

Deposition of P. Miranda.

UNITED STATES LAND COMMISSION,
San Francisco, December 18, 1854.

On this day, before Commissioner Alpheus Felch, came PresentaciionMiranda, a witness on behalf of the United States, case number 81, wherein James R. Bolton is claimant, who, after being duly sworn, deposed as follows, her evidence being interpreted by the interpreter to the Board:

Questions by Mr. McKime, law agent.

Question 1. Please state your name and place of residence, and your age.

Answer. My name is Presentacion Miranda ; age, 30 years ; and I reside on my rancho, four leagues from San José.

Question 2. Where have you resided the greater portion of your life ?

Answer. Here, at San Francisco ; I have lived at the Mission Dolores ; I went there to live in 1847, and lived there until 1852.

Question 3. During your residence at said Mission was you acquainted with Padre José Prudencio Santillan ?

Answer. I was.

Question 4. What portion of the time of your residence at the Mission was said Santillan a resident there ?

Answer. He was there at the time I was there ; he left there before I did ; he went away in 1849, and I left in 1852.

Question 5. State whether you heard any conversations of Padre Santillan in relation to his having a grant of the land of the ex-Mission Dolores ; if yea, state what it was.

Mr. Williams, attorney for claimant, objects to this question.

Answer. I did ; he told me that he was going to Santa Barbara to bring his title ; that is all the conversation I heard of the Padre respecting his title ; this conversation was in the month of November, 1849.

Question 6. Do you mean to say that was all the conversation you had with him at that time, or all that you ever had with him on the subject of the grant ?

Mr. Williams objects to this question.

Answer. He spoke of it on several occasions. He talked of it in presence of my mother, and spoke about giving her a piece of the land.

Question 7. State whether you can recollect the substance of the first conversation of his which you heard, in reference to said mission land ?

Mr. Williams objects to this question.

Answer. The first conversation that I had with him, or heard from him, that he was going below to see if the mission would be granted to him.

Question 8. At or about what time did that conversation take place ?

Answer. It was in the month of November, upon his return from below ; it was in 1849.

Question 9. Do you remember at what time he went below, and with whom ?

Answer. I do not remember at what time, but he went with Snr. Poli ; I do not remember the month, but I think it was in 1849.

Question 10. How did the conversation arise in which Santillan said that he was going below to see if the mission would be granted to him ?

Mr. Williams objects to this question.

Answer. Because he always visited my house, and he came at that time to take his leave. I said to him, what are you going there for? and he answered me, that he was going there upon this business.

Question 11. Did you hear any conversation of Padre Santillan on the same subject on his return? if yea, what was it?

Answer. When he came from below, I asked him how he had made out with his business. He replied, that he had not accomplished anything.

Question 12. Did you at any time, after he returned from Santa Barbara, see or hear from him of any grant of said land?

Mr. Williams objects to this question.

Answer. I saw the title after he returned.

Question 13. At what time did you see the title? who showed it to you? and what was said by Santillan at the time?

Mr. Williams objects to this question.

Answer. It was in November, 1849, Padre Santillan showed it to me at my house, when my husband, Robert Ridley, and myself, were present. He spoke to my husband when he came in, and told him that he had the title.

Question 14. Had you heard Padre Santillan claim the land as his at any time before that?

Mr. Williams objects to this question.

Answer. I had not.

Question 15. Were or were not you and your husband particularly intimate with Santillan?

Answer. We were.

Question 16. Where did you live, and where did Santillan live, at that time?

Answer. My husband and I lived at the mission in the house which is now called the Mansion house; the Padre lived at the corner of the church, where the Padre now lives; it was, perhaps, twenty-five varas apart.

Question 17. Did you know the Padre's pecuniary circumstances from 1846 to 1849?

Mr. Williams objects to this question.

Answer. He was a very poor man; I furnished him with his meals at my house.

Question 18. Did you know of his claiming any property whatever at that time?

Mr. Williams objects to this question.

Answer. He had nothing.

Questions by Mr. Williams, attorney for claimant:

Question 1. Were you so intimately acquainted with Padre Santillan that he was in the habit of conversing with you confidentially about his private business?

Answer. I was.

Question 2. How many conversations did you ever have with Padre Santillan in regard to the grant of the Mission Dolores?

Answer. The only time was the conversation with myself and my husband, Don Roberto.

Question 3. When did that conversation take place?

Answer. I do not remember when it was, but it was in the year 1849, and in the month of November. I remember that, because it was the time that the Padre and my husband were settling their business in regard to the Mansion House.

Question 4. Was this before or after Padre Santillan's return from Santa Barbara?

Answer. It was after he came from Santa Barbara.

Question 5. How long did Padre Santillan remain in Santa Barbara?

Answer. I do not remember how long.

Question 6. How did he go to Santa Barbara, by land or water?

Answer. He went by land and on horseback. I did not see him when he arrived, on his return.

Question 7. How many weeks or months was it after his return before you saw him?

Answer. I do not remember.

Question 8. State, as near as you can, the time that Padre Santillan went to Santa Barbara.

Answer. I do not know in what month he went. I went over to Contra Costa at that time.

Question 9. Was you in Contra Costa, then, when Padre Santillan left for Santa Barbara?

Answer. No, I was at the mission.

Question 10. In what month was it that he went?

Answer. I have said already that I do not know.

Question 11. In what month did he return?

Answer. I do not know when he came. I saw him in November. I was at my mother's rancho when he returned from Santa Barbara, and he called at the rancho.

Question 12. In what month was that that he called at the rancho?

Answer. In November, 1849.

Question 13. Was that the only time that you saw him in November?

Answer. It was not. I came from my mother's rancho to the mission, two days after the Padre was at the rancho, and saw him at my own house at the Mission, in the month of November.

Question 14. On which of those occasions was it that the conversation in regard to the title of the mission lands took place?

Answer. It was the one at the mission.

Question 15. Was it not in the month of November that Padre Santillan went to Santa Barbara?

Answer. It was not.

Question 16. Please to try to recollect when it was that he did go.

Answer. I do not know.

Question 17. Was it while you were at Contra Costa? or if not, was it before or after your return?

Answer. It was at the Mission when he went; it was before I went to Contra Costa; I cannot remember how long before.

Question 18. Was it not as long as one month before you went to Contra Costa?

Answer. I do not remember.

Question 19. Why is it that you can remember the time he returned, but cannot remember the time he left?

Answer. I remember, because it was in the month that I returned from the Rancho to the Mission.

Question 20. In what month did you go to the Rancho?

Answer. I do not remember.

Question 21. Why can you recollect the month you returned from the Rancho, and cannot remember the month you went to the Rancho?

Answer. I recollect the month that I returned, because it was in that month that Don Roberto, myhusband, and the Padre arranged their business in reference to the lease of the Mansion House.

My husband proposed to buy the house of the Padre, and the Padre said he could not sell it—it was not his. The Padre leased said house to my husband by written contract.

Question 22. When did your husband first lease the house?

Answer. In 1847.

Question 23. Who were present at the only conversation which you say you had with Padre Santillan in reference to the title to the Mission lands.

Colonel Bulow objects to this question.

Answer. Myself and my husband; my husband is now dead.

Question 24. Give the words of Padre Santillan as near as you can in that conversation.

Answer. He told Don Roberto, my husband, that he had bought up the title to the Mission.

Question 25. Did you at any time have any other conversation with Padre Santillan in regard to the title of the Mission Dolores?

Answer I did not.

Question 26. To whom did you first tell of this only conversation, and when?

Answer. My mother was the first that I told of it; it was perhaps in the following month of December. My mother was the only one until perhaps the latter months.

Question 27. To whom in the latter months did you mention it?

Answer. It was at the Rancho that it was spoken of in the family. I and my brother were on the Rancho. I spoke of it to

my brother Tomas Miranda. I have not mentioned it to anybody else

Question 28. Who requested you to come here and give your evidence?

Answer. Eustachio Valencia. He asked me if I knew whether Padre Santillan had any gardens or anything about the mission. I told him that he had nothing; and he then asked me to come and give evidence.

Question 29. Did you not tell him of this conversation with Padre Santillan.

Answer. I did not.

Question 30. Did you not tell some person of this conversation just previous to giving this deposition?

Answer. I did not.

Question 31. How was it that the lawyers taking this deposition knew of this conversation?

Answer. They knew because they saw me when I was living at the Mansion House, and they said I ought to know all about it.

Question 32. Did not you tell them what you knew?

Answer. I did not. I have not spoke to any of them about it.

Question 33. Do you, or your mother, or your brother Thomas claim any interest in these mission lands?

Answer. We do not.

Question 34. Did you see Padre Santillan when he started for Santa Barbara?

Answer. I saw him start.

Question 35. How long did you remain at the Mission after his return from Santa Barbara before he finally left the Mission?

Answer. I was not at the Mission when he finally left there; he was there three months.

Question 36. When did he finally leave the Mission?

Answer. I was not at the Mission when he left. I was at the place called Trinidad, on a visit.

Question 37. How long was it after he started to Santa Barbara before he finally left the Mission?

Answer. I do not know.

Question 38. In what year did Santillan finally leave the Mission?

Answer. I do not know in what year it was; I was not there.

Question 39. You have stated in a previous part of this deposition that Santillan left the Mission in 1849; was that statement correct?

Answer. I do not know for a certainty whether it was in 1849 that he left or not. I left for Trinidad before he left the Mission.

Question 40. In what year did you go to Trinidad, and in what year did you return?

Answer. I do not remember.

Questions by Mr. Brown on behalf of the Government.

Question 1. What was the name of Sen. Poli, named by you?

Answer. I do not know; but he was called Dr. Poli.

Question 2. How long had Dr. Poli resided at the Mission before he and Padre Santillan took the trip to Santa Barbara?

Answer. He did not live at the Mission, but at San Francisco.

PRESENTACION MIRANDA.

Subscribed and sworn to before me on this 18th day of December, 1854.

ALPHEUS FELCH,
Commissioner.

Filed in office, December 19, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, p. 65.

GEORGE FISHER, *Secretary.*

Deposition of C. Arenas.

UNITED STATES LAND COMMISSION,
SAN FRANCISCO, *December* 28, 1854.

On this day, before Commissioner Alpheus Felch, came Cayetano Arenas, a witness on behalf of the claimant, James R. Bolton, in case number 81, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter for the board.

Questions by Mr. Dwinelle, attorney for claimant:

Question 1. Please state your name, age, and place of residence?

Answer. My name is Cayetano Arenas, my age is thirty years, and I reside in Los Angeles, California. I have lived 28 years in California.

Question 2. Where did you live in February, 1846, and what was your occupation at that time?

Answer. I then lived in Los Angeles, and was an officer employed in the office of the Secretary of the Government.

Question 3. Look at the paper now here shown to you, marked A, being a document filed with the deposition of José Maria Covarrubias, heretofore taken and filed in this case, and also endorsed as recorded in record of evidence, numbers pages 207 and 208, and state whether or not you have ever seen this paper before?

Answer. I saw this paper before about the time it bears date, in the month of February, 1846. It is a document given out by the Government to Padre Santillan. I saw it at that time at the office of the Secretary of the Government, in Los Angeles.

Question 4. State whether or not this document bore the signatures of José Maria Covarrubias and Pio Pico at that time?

Answer. Their signatures were on the document at that time.

Question 5. State whether or not a note of it was ever made in any book of titles, if you know?

Answer. At that time there were only loose sheets of paper kept of titles at Los Angeles. The regular Book of Titles was at Monterey. Note was made of this title on said loose sheets of paper. I wrote the note of this title myself.

To this question and answer Mr. Brown, appearing for law agent, objects.

Question 6. State if you know what became of this title after it was executed and noted as you have testified?

Answer. I do not know.

Question 7. State whether or not you would have been likely to know the fact if it had remained for any length of time in the secretary's office?

Answer. It is probable that I should have seen it if it had remained there.

This question and answer objected to by Mr. Brown.

Question 8. State whether or not you ever saw this document from the time of its execution, or within a few days of its execution, until you saw it here in San Francisco?

Answer. I never saw it from the time when it was executed until I saw it here in San Francisco three or four days ago, when I saw it at the secretary's office up stairs.

Question 9. State whether or not you are acquainted with the handwriting of José Maria Covarrubias and Pio Pico?

Answer. I am acquainted with them.

Question 10. State whether or not the signatures of these persons on the document above referred to are genuine?

Answer. They are their genuine signatures.

Questions by Mr. Brown for the law agent:

Question 1. How long was you employed in the office of the Secretary of the Government?

Answer. I do not recollect exactly, but it was about two years, more or less.

Question 2. Under what secretary was you employed?

Answer. Under José Maria Covarrubias first, and afterwards under José Matias Moreno.

Question 3. In what year and in what month did Moreno enter on the duties of secretary?

Answer. I do not recollect.

Question 4. In what year and what month did Covarrubias cease to act as secretary?

Answer. I do not recollect.

Question 5. Where did Covarrubias go after he left the office of secretary?

Answer. He went to Mexico, as a commissioner. I do not know how long he remained there.

Question 6. How long was it after Covarrubias left for Mexico before Moreno entered on the duties of the office of secretary?

Answer. It was next day.

Question 7. Are you as positive of the truth of this last answer as you are of anything else that you have stated in this deposition?

Answer. All that I have said is true.

Question 8. By what mark do you identify the document referred to in your direct examination?

Answer. I knew it because I know the handwriting of Covarrubias and the signatures to the document, and I saw the document made.

Question 9. Where was it made?

Answer. At the government house in Los Angeles.

Question 10. Was this document made before or after Covarrubias went to Mexico?

Answer. I do not know. It was made the 10th of February, 1846; I do not remember whether it was before or after Covarrubins went to Mexico.

Question 11. Do you know of Covarrubias having signed any grant whatever after his return from Mexico?

Answer. I do not know.

Counsel for claimant objects to this question.

Question 12. Do you recollect the date of any other grant that was executed by the governor and secretary, during the two years that you was in the office of the secretary?

Answer. I do not.

Question 13. Do you recollect any other grant that was issued in the winter of 1846, if yea, state what grant?

Answer. I do not recollect any other.

Question 14. Do you recollect making the minutes or note of any other grant during that winter, if yea, state what grant?

Answer. I recollect having made notes of several titles, but I do not remember what titles they were.

Question 15. What was the date of those minutes which you made?

Answer. Different dates; they may be the tenth, eleventh, twelfth, or fifteenth; I do not recollect the dates.

Question 16. About how long is it since Pio Pico has been in the habit of making grants?

Answer. I do not know. I know that when I went into the secretary's office he was in the habit of making grants.

Question 17. Do you know of his making any grants within four or five years?

Answer. I do not.

Question 18. Were the sheets of paper on which the notes of title were entered stitched together?

Answer. They were stitched together, making a book.

Question 19. If those sheets of paper were stitched together, what do you mean when you say they were loose sheets of paper?

Answer. I call them so because they were sheets stitched carelessly, and almost half loose and half stitched together.

Question 20. How much space on the paper did the note that you speak of occupy?

Answer. I do not know; I do not know whether it was a line or two, or a quarter of a sheet or a sheet.

Question 21. What did you enter on that book; state it in words?

Answer. I took the name of the title, and the number and the date of the grant.

Question 22. What was the number of this title; look at the title before answering the question?

Answer. I do not recollect what the number was.

Question 23. Who invited you to come here and be sworn as a witness?

Answer. Mr. Pachard asked me to do him the favor to come and give evidence it this case; this was this morning.

Question 24. Had you ever conversed with Mr. Pachard before in relation to testifying in this case?

Answer. I had not; it was only this morning that he asked me to come and give my testimony in this case.

Question 25. Did he tell you what he wished you to testify to?

Answer. He did not.

Question 26. Have you ever told any person that you had seen this grant before; if yea, when and to whom did you communicate the fact?

Answer. I have not told any person.

Question 27. Did you ever intimate to the claimant, or any other person, what you would testify to or what you know concerning this title?

Answer. This morning Mr. Pachard brought me here and showed me this title; he asked me if I knew the title, and I said I did; he asked me if I knew of note being taken of it; I replied that I did; this is all that passed about it; I recollected this title from the fact of its being the only one of a grant of a mission to a priest.

Question 28. Did you know the priest José Prudencio Santillan?

Answer. I know him by sight, but never had any communication or intercourse with him.

Question 29. What name did you enter in the minute or note of the title mentioned by you?

Answer. The name I put was *Presbytero* Prudencio Santillan.

Question 30. What was Santillan's christian name?

Answer. Prudencio; I know him as Prudencio Santillan.

Question 31. How came you to make that note spoken of by you?

Answer. The secretary of despatch generally ordered me to take notes of titles, and I made them.

Question 32. Do you know of Pio Pico's directing the secretary to return this title on his possession?

Answer. I do not.

CAYETANO ARENAS.

Subscribed and sworn to before me, on this 28th day of December, 1854.

ALPHEUS FELCH, *Commissioner.*

Filed in office December 28, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence, B, vol. 11, p. 150.

GEORGE FISHER, *Secretary.*

Deposition of F. Rodriguez.

UNITED STATES OF AMERICA, *State of California,* } *ss.*

SAN FRANCISCO, *December* 30, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United State Land Commission in said State, Francisco Rodriguez, a witness on behalf of the United States, in case number 81 on the docket of said Board, wherein James R. Bolton is claimant; and said witness being sworn, deposed in Spanish, which was interpreted into English by the interpreter to said board as follows:

The counsel for claimant, Judge Thornton, is present.

Questions by United States law agent, represented by Judge Sutherland:

Question 1. What is your name, age, and residence?

Answer. My name is Francisco Rodriguez; my age is 62 years; my residence in San Francisquito, California.

Question 2. Are you acquainted with Padre Santillan; if yea, when did you become acquainted with him?

Answer. I am acquainted with him; I first knew him in 1845 and 1846, at the Mission Dolores.

Question 3. When did you last see him?

Answer. About the latter part of 1849 or early part of 1850, at my residence at San Francisquito.

Question 4. State whether or not said Padre Santillan was in the habit of stopping at your house on his journeyings through the country?

Answer. Yes; he was accustomed to stop at my house.

Question 5. Who was with said Padre Santillan when you last saw him, as mentioned by you?

Answer. A man by the name of Dr. Poli was then with him.

Question 6. Did Padre Santillan then tell you where he and said Poli had been, and where they came from?

Answer. They said that they came from below.

Question 7. Had you any conversation with Padre Santillan at that time in regard to the title of the lands of the ex-Mission of Dolores; if yea, what was that conversation?

Answer. I had conversation with him at that time relating to said title; the Padre Santillan took out a paper and said to me, "In this are all my hopes," or words to that effect; then he told me that this Dr. Poli was his attorney or general agent; and he told me I could speak to Dr. Poli with the same confidence I could to him, as he was his attorney; that was all he said about that; I cannot now recollect what words he used, but I remember he gave me to understand that the paper he showed was a title to the mission lands of said Mission Dolores; I understood him that he had just got this paper on his trip below.

Question 8. Did he tell you through whose influence he obtained this title?

Answer. He said he had got it through the agency of Dr. Poli, his attorney.

Question 9. State what had been Padre Santillan's pecuniary circumstances prior to that time?

Answer. He was poor.

Question 10. Did he then tell you what his circumstances in this respect were at that time?

Answer. When we had that conversation, he said, "I am now well off, and you can call and make my house your home."

Question 11. State whether or not you have been in the habit prior to that time of making donations to the said Padre for his support.

Answer. Sometimes, as he passed by my house, I have given some things, as he said he was very poor.

Cross-examined by claimant's counsel:

Question 1. When was this conversation between you and Padre Santillan—what month, day, and year?

Answer. I do not recollect the month or day, but I think it was in the latter part of 1849, or early in 1850.

Question 2. Who was Dr. Poli, of whom you have spoken as being in company with Padre Santillan?

Answer. All I know of him is that I was introduced to him as Dr. Poli.

Question 3. Is said Poli now living?

Answer. I do not know, for I have never seen him or the Padre since.

Question 4. Did you ever see said Poli before you saw him that time with Santillan?

Answer. No; I never did.

Question 5. When you say that Santillan said Poli was his attorney, do you mean that he said he was his attorney-at-law, or how was it?

Answer. The Padre said Poli was his attorney, in whom he had all confidence, and to whom he had given in charge all of his (said Padre's) business affairs.

Question 6. Did not said Poli and Santillan call at your house as they went below?

Answer. They did not.

Question 7. Did you look at the paper which you say Santillan had at your house?

Answer. I did not read it. I cannot read or write.

Question 8. Did Santillan tell you that that paper of which you speak was a grant to him of the Mission Dolores?

Answer. He said: "This is the paper on which I found all my hopes. This is the title." And I understood from the tenor of the conversation that he meant that it was a title of the Mission Dolores.

Question 9. State what words in that conversation Santillan used from which you inferred that said paper was a grant of the Mission Dolores.

Answer. In former conversations Padre Santillan had complained to me that he was very poor, that he was losing everything, and that the Americans were taking away all the lands of said mission. And now he said, "In this paper are my hopes," and by this paper I understood him to mean that he was about to secure said lands.

Question 10. Did he mention the name of any governor who had signed that paper which he showed you?

Answer. He did not.

Question 11. Who was the governor of California at that time, when you last conversed with Padre Santillan, and he showed you the paper?

Answer. Pio Pico was the governor, as near as I can recollect.

Question 12. Who was secretary of state of California at the time you had this conversation, when Padre Santillan showed you said paper?

Answer. I do not recollect.

Question 13. Where was the governor, Pio Pico, in the latter part of 1849, or early in the year 1850.

Answer. I know he was down below, I do not know in what particular spot.

Question 14. Did Santillan tell you in that last conversation, when he showed you the said paper, that Pio Pico was then acting as governor of California?

Answer. He did not.

Question 15. What land did Santillan tell you in that conversation that the Americans had taken away from him; and did he say that it was his property which the Americans had been taking away from him?

Answer. He said that they were taking away the lands of the Mission; lands which the priest considered he ought to have the management of.

Question 16. Did he say that the lands had now become his own, and not that of the mission, by that paper?

Answer. The padre did not say so in so many words, but from the tenor of the conversation I understood him to mean that.

Question 17. Did he read to you or tell you what was the date of that paper which he showed?

Answer. He did not read it to me, nor tell me what date it bore.

Question 18. Did he tell you how long he had had that paper?

Answer. He did not.

Question 19. Did he tell you how long Dr. Poli had had the management of his business?

Answer. He did not.

Question 20. Did he tell you whether Dr. Poli had the management as agent of his lands, or was his agency confined to other matters?

Answer. He told me Dr. Poli was his attorney for everything, his lands and everything else.

Question 21. Did he say Dr. Poli had managed his lands and other matters well or badly?

Answer. He told me he was satisfied Dr. Poli had managed his business well.

Question 22. Did he say that Dr. Poli had ever collected any rents for him out of his lands, and had accounted fairly to him for it?

Answer. No, he said nothing about that.

Question 23. What did he say Dr. Poli had been doing for him as his agent?

Answer. He did not tell me what Poli had been doing; he only showed the paper and said that his hopes were in it, and expressed himself satisfied or pleased with having Poli for his attorney.

Question 24. Where was the property situated which Poli had thus managed to Santillan's satisfaction?

Answer. I never saw the property. It was the lands of the Mission Dolores.

Question 25 Did he, Santillan, show you any other paper than the one which you have spoken of at that time?

Answer. He did not; nor did he speak of any other.

FRANCISCO RODRIGUEZ.

Subscribed and sworn to before me, on this 30th day of December, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office January 2, 1855.

GEORGE FISHER, *Secretary.*

Recorded in Evidence B. vol. 11, page 161.

GEORGE FISHER, *Secretary.*

Deposition of J. J. Vioget.

UNITED STATES OF AMERICA, *State of California,* } *ss.*

SAN FRANCISCO, *January* 3, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, John J. Vioget, a witness on behalf of the United States in case No. 81 on the docket of said board, and, said witness being sworn, deposed as follows. The claimant in the case is James R. Bolton.

The claimant's counsel, Messrs. Williams and Dwinelle, are present.

Questions by Judge Brown for the United States Law Agent.

Question 1. What is your name, age, and residence?

Answer. My name is J. J. Vioget; age, 55 years; my residence, in San Francisco county, California.

Question 2. How long have you resided in California?

Answer. I came here in July, 1837; I settled here in 1839.

Question 3. What is your profession in life?

Answer. I am a seafaring man.

Question 4. Are you not also a surveyor?

Answer. I was formerly a surveyor under the Dutch government.

Question 5. Have you not followed surveying here?

Answer. I have made a few surveys at the request of parties wishing it.

Question 6. Are you acquainted with the Mission Dolores and with the Mission Creek? if yea, how long have you known said Creek; and look at the map now shown to you, marked A, PL, as an exhibit to the deposition of M. G. Vallejo, November 17, 1854, and heretofore filed in this case and now exhibited in this proposition, and point out the location of said Mission Creek.

Answer. I am acquainted with said mission and said creek; I have known the creek ever since I have been in this country. I have often got wood and water there for my vessel. Its position

on this map is where the arm of the bay appears, marked Mission Creek; this is what I understand to be Mission Creek.

Question 7. State whether any other stream or creek has borne the name of Mission Creek except the one here designated by you.

Answer. I know of no other.

Question 8. Look at the stream appearing on said map as running nearly between the two capital letters A and B, in red ink, and emptying into the bay, near the words "Rincon Point," and state whether there is a creek at that point, and whether it ever bore a name, and what is its size.

Answer. I never knew a creek with any name at that point.

Question 9. State what you know concerning the location of the Divisadiro.

Answer. I know there was a place called the Divisadiro; Guerrero once told me of it; it was near the mission—the nearest high place where the priests could send the Indians up to look out, but really, I know nothing about it excepting that I have been told, and do not think I could point out the particular place where it was.

Question 10. About how far was this point which Guerrero showed you, from the mission buildings? and state whether it was in sight from said buildings, and also, its direction from there.

(Question 10 objected to by claimant's counsel because witness has testified he does not know the locality.)

Answer. I think the mountain is west by south from said Mission buildings; the foot of the mountain is about a mile from said buildings, and full in sight from said buildings.

Question 11. Look again at said map, and state whether the point thereon marked Divisadiro, at the red ink letter C, could possibly be the position of the Divisadiro?

Answer. It could not; it must be further to the south.

Cross-examined by claimant's counsel.

Question 1. State which of the two creeks, to which you have referred on said map, was in former times sometimes called the Embarcadiro?

Answer. The one I have described as Mission creek was called the Embarcadiro of the Mission, and I have taken a great many hides and much tallow out from the Mission by that point, and took my cargo in on both sides of said creek.

Question 2. What is the meaning of the word divisadiro?

Answer. It means a look-out place. Divisia in Spanish means to see far off.

Question 3. Was there any divisadiro or look-out place in the old settlement of Yerba Buena?

Answer. I did not know of any so called.

Question 4. Was there any place used as such?

Answer. Telegraph hill was the one we used to go up, from which we could see the Castle Point, now called Fort Point. We called Telegraph hill Loma Alta.

Question 5. Doy ou know of a flag staff or a sentinel house erected on a high hill, about a half mile southwardly from the Presidio?

Answer. No; I never saw any there.

Question 6. Do you know of a point situated near the Presidio which was called Sentinel Hill?

Answer. No; I never knew any.

Question 7. Do you know of any custom at the Presidio, when it was under the Mexican rule, of sending sentinels to a high point near said Presidio, for the purpose of watching and reporting the approach of vessels?

Answer. No; I do not.

Question 8. Have you ever been to this small marshy stream you referred to between the letters A and B?

Answer. No; I have never been there; I have been near it.

Re-examined by United States law agent.

Question 1. Do you know the place called Canutales, if yea, where is it located?

Answer. The Canutal is just at the foot of a high hill on the old Mission road; on the south side of said hill, about three-fourths of a mile from the Mission, the road has been changed; and it has been several years since I was there.

Question 2. How did the persons at the Presidio ascertain the approach of vessels, and where did they go for that purpose.

Answer. Ever since I was here in this country there was never any report made from the Presidio of the approach of vessels; they could see from Fort Point a vessel coming in, but I do not know of their sending there for that purpose.

JOHN J. VIOGET.

Subscribed and sworn to before me, on this 3d day of January, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office January 3, 1855.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, page 185.

GEORGE FISHER, *Secretary.*

Deposition of J. K. Rose.

UNITED STATES OF AMERICA, } ss.
State of California, }

SAN FRANCISCO, *Jan.* 4, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Julius K. Rose, a witness on behalf of the United States, in case number 81 on the docket of said board, wherein James R. Bolton is claimant, and said witness being sworn deposed as follows:

The claimant's counsel, Messrs. Dwinelle and Williams, are present.

Questions by the United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Julius K. Rose; my age, 31 years; my residence, San Francisco, California.

Question 2. Have you any knowledge of the boundary of the Pueblo of San Francisco; if yea, from what source did you derive it; under what circumstances, and at what time; state fully your knowledge?

Answer. I have no knowledge of those boundaries, except from hearsay. In the latter part of 1849, or early part of 1850, I rode out with Francisco Guerrero, who was then sub-prefect of the district of San Francisco, who had previously agreed to take me out and show me the boundaries of the pueblo.

He took me to the top of what is now called Sugar-Loaf hill, or Lone mountain, and while there pointed out the boundaries.

Commencing at Point Lobos and running along or near a conical sand hill which was green on the top of the place where we stood.

From there to South Rincon Point, now called Steamboat Point, and from that place round to the waters of the bay on the east, north, and northwest, to the place of beginning.

The claimant's counsel objects to all this answer after the word *hearsay*, on the ground that the proof is secondary and incompetent.

Question 3. By what name did Guerrero call the hill upon which you then stood which you say is now called Lone mountain?

Answer. I do not recollect that he gave it any name; he said it was the place where they used to go up to watch for the approach of vessels and where they built fires to signal the approach of war vessels.

Question 4. Of what country was Guerrero; was he an intelligent man or otherwise, and is he now living?

Answer. I believe he was a Mexican; I think he had lived here some 18 or 20 years. He was an intelligent man, and is now dead.

Question 5. Did Guerrero on the occasion referred to by you point out the boundaries of various ranchos in the vicinity; if yea, state whether he mentioned anything in reference to the claim which the claimants have presented in this case?

Question 5 objected to by claimant's counsel.

Answer. On that and another occasion when we rode out together he pointed out the boundary of several different ranchos; I do not recollect that he said anything about this claim at the time referred to.

Cross-examined by Judge Hawes, for claimant.

Cross-examination waived by claimant's counsel.

JULIUS K. ROSE.

Subscribed and sworn to before me on this 4th day of January, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office January 9, 1855.

GEORGE FISHER,
Secretary.

Recorded in evidence B, vol. 11, page 363.

GEORGE FISHER,
Secretary.

Deposition of A. M. Pico.

UNITED STATES OF AMERICA, } *ss.*
State of California. }

SAN FRANCISCO, *January* 29, 1855.

On this day, before Commissioner R. Aug. Thompson, came Antonio Maria Pico, a witness on behalf of claimant in case number 81, wherein James R. Bolton is claimant, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter to the board:

Present: W. Southerland, on the part of the United States law agent.

In answer to questions witness states that his name is Antonio Maria Pico, his age 45, and resides at San José, Santa Clara county, California.

Question 1. State, if you know, the land claimed in this case, and José Prudencia Santillan, the original grantee of the same?

Answer. I know said land, and said grantee.

Question 2 by same. Do you know of any portion of said lands being cultivated by said grantee in the year 1846?

Answer. In the month of May, 1846, Padre Santillan pointed

out to me a portion of said land which was in cultivation, and said here are my fields.

Question 3 by same. Have you any other means of knowledge that said fields were cultivated by the said grantee except what he then told you?

Answer. I only know it from what he told me.

Question 4 by same. Did you see any persons laboring on said lands?

Answer. I saw some Indians working there, and the Padre informed me they were his servants.

(Counsel on the part of the government objects to the above answers so far as they are founded on hearsay.)

Question by the counsel for the United States.

Question 1. State where the fields of which you spoke are situated?

Answer. They were situated back of the Mission church, and near it, and were, as near as I could judge by the eye, of the extent of four or five hundred varas, more or less; there was but one field. In Spanish, when speaking of fields, we mean the different kind of grain were cultivated on it; it was enclosed with something like a fence.

ANTO. MARIA PICO.

Sworn to and subscribed before me Jan. 29, 1855.

R. AUG. THOMPSON,
Commissioner.

Filed in office Jan. 30, 1855.

GEORGE FISHER,
Secretary.

Deposition of E. Murray.

UNITED STATES LAND COMMISSION,
San Francisco, February 9, 1855.

On this day, before Commissioner Alpheus Felch, came Edward Murray, a witness on behalf of the claimant, James R. Bolton, in case number 81, who, after being duly sworn, deposed as follows.

Questions by Mr. Dwinelle, attorney for claimant:

Question 1. Please state your name, age, and place of residence.

Answer. My name is Edward Murray; my age is about thirty-two years; and I reside in San Francisco. I came to California in March, 1847. I arrived here somewhere between the 19th and 26th days of that month.

Question 2. Have you ever been at the Mission Dolores?

Answer. I have. I was there about two days after I arrived in the country. I then went to the house of Jacob Harman, who lived there, and who was the only man I found there that I could

talk to in English. I think his name was Jacob. We used to call him old Jacob.

Question 3. Where was his house situated?

Answer. It was situated in his garden, and was only a temporary little house.

Question 4. State where that garden was situated.

Answer. It was situated near the present old plank road, in the willows. It was situated between the said plank road and the old mission road, and near to the plank road. There was a stream of water running close to the garden. The garden was cultivated with vegetables; there were beets, cabbages, turnips, and other vegetables, growing there at the time I was first there; the vegetables were growing, and were large enough to use.

Question 5. How long did the garden appear to have been under cultivation?

Answer. It appeared to me to have been some months under cultivation, but I could not tell how long.

Question 6. State, if you know, what was Harmon's occupation in 1847.

Answer. It was selling his vegetables and milk in town; and he worked, also, in raising the vegetables.

Question 7. What countryman was Harmon?

Answer. He appeared to be a German.

Question 8. Did he live in his house in the garden?

Answer. He did. He is now dead, and has been dead between three and four years.

Questions by Mr. McKime, law agent:

Question 1. Look at the map now here presented to you, marked A, PL, (exhibit to deposition of Peter T. Sherryback, Februry 7, 1855, heretofore filed in this case,) and point out on it the precise location of the house and the garden spoken of by you.

Answer. I have looked on said map. I do not see the stream of water that I speak of on this map, and I cannot point out the precise spot on the map.

Question 2. In what direction and how far was said house from the corner formed by Mission street, as laid down on the present plat of the city of San Francisco, and the street leading from the Mission buildings to the Embarcadiro?

Answer. It was quite close to the street that runs from the Mission buildings to the Embarcadiro, and was on the left hand side as you go from the Mission buildings to the Embarcadiro. It was close to the willows, and about fifty yards from said road. I cannot be positive as to the distance; it is about fifty or sixty yards from the place where the streets mentioned in the question cross each other.

Question 3. How large was the plat of ground cultivated by Harmon, and how was it enclosed?

Answer. I cannot say what the size of the garden was; I paid

no attention to it at the time, and can give no idea of it; there was a temporary fence around it, which I think was made of brush.

Question 4. What was the form of the land enclosed?

Answer. I cannot tell.

Question 5. Have you any distant recollection of seeing any enclosure or cultivation? if so, what extent was the cultivation which you distinctly remember?

Answer. About as distinctly as I can remember, there was about the amount of a fifty vara lot, and under cultivation; I think the whole field was not cultivated; I cannot tell what portion of it was not under cultivation; I cannot give any information on that subject.

Question 6. How many times were you at that place in 1847? state each time, as near as you can remember.

Answer. I expect I was there about forty or fifty times during that year. I generally went there on Sunday. I do not know of Harmon having any other business at that time but attending to his garden and selling his vegetables and milk in town.

Question by Mr. Dwinelle.

Question 1. Can you depend on your estimate of distances?

Answer. I cannot with any degree of certainty.

Questions by Mr. McKime.

Question 1. Have you any particular infirmity in your judgment concerning distance? if yea, what caused it?

Answer. I have not any particular infirmity in that respect. If I had been buying property, or looking at it for that purpose, I should probably remember; but I did not take any particular notice of it.

Question 2. When was you first spoken to to give your testimony in this case?

Answer. Two or three days ago.

Question 3. Have you been at the mission since?

Answer. I have not.

Question 4. Are you now familiar with the land upon which said house was located and its vicinity?

Answer. I am not. I have not been there for a long time.

Question 5. When you gave your answer to question 2, on the cross-examination, did you have the place where said house was situated and the corner of the street mentioned in your recollection, so that you could apply your usual judgment in estimating the distance between them?

Answer. I did not. I cannot tell the distance at all.

Question by Mr. Dwinelle.

Question 1. Was Folsom street open at the time you speak of?

Answer. It was not.

EDWARD MURRAY.

Sworn and subscribed before me this 9th day of February, 1855.
ALPHEUS FELCH, *Commissioner.*

Filed in office February 9, 1855.
GEORGE FISHER, *Secretary.*

Recorded in Ev. B, vol. 11, page 361.
GEORGE FISHER, *Secretary.*

Deposition of Peter T. Scherrebeck.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *February* 7, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Peter T. Scherrebeck, a witness on behalf of the claimant, James R. Bolton, in case number 81 on the docket of said board; and said witness being sworn, deposes as follows:

The United States law agent is present.

Questions by Mr. Dwinelle, for claimant:

Question. What is your name, age, and residence?

Answer. My name is Peter T. Scherrebeck; my age 43 years; my residence in San José, California.

Question 2. State where you was born, and when you first came to California, and how long you have lived in said State?

Answer. I was born in Denmark; I came first to California on the 8th day of August, A. D. 1840, and I have lived in this State ever since that time.

Question 3. State whether you have ever held any public office in Calfornia; if yea, what office?

Answer. I was syndico here in Yerba Buena, under the Mexican rule, and I was also syndico in the same place afterwards under the American authority, after the change of government. I was, altogether, syndico about five years.

Question 4. What were the functions of the office of which you speak?

Question 4 objected to by law agent, as matter of law.

Answer. As syndico I collected and had control of the city powers, and I had also to give possession of lands to grantees or purchasers from the authorities, and to receive the money for them. I was also charged with the duties of a peace officer, in a capacity similar to that of a sheriff or town marshal.

Question 5. Did you know the Priest Prudencio Santillan, formerly resident at the Mission Dolores?

Answer. I did.

Question 6. Did you know of his cultivating any of the Mission lands in the year 1846?

Answer. I did not.

Question 7. State what you know on that subject?

Answer. In the beginning of 1846 an old German named Herman came to me, and asked me if I would be interpreter for him in asking said Santillan for permission to cultivate a piece of ground at the Mission Dolores.

I went at that time with said Herman to Santillan at the Mission, and I acted as interpreter between Herman, [who] spoke German and a little broken English, and the priest only Spanish.

I spoke then German, English, and Spanish. Herman made his bargain on that occasion; which was, that he should have permission that season to cultivate the land on equal shares; he to have half the product and the priest the other half. He went under this agreement, and cultivated a piece of several acres in the rear of the Mission buildings.

And afterwards, in front of the Mission below the orchard, there he cultivated a few acres in a variety of vegetables; he also, with the assistance of the priest, built a cabin on this last mentioned field, in which he (Herman) lived with his family. The agreement I speak of, between Santillan and Herman, was verbal. I know of no writing between them.

The first work done by Herman there in the beginning to cultivate in the rear of the Mission, was I think in February, or about that time in 1846, and he kept that part cultivated through all that season.

He began to work in front below the orchard about April of that year, and kept up a garden there, also, during the summer. In the fall of 1846, about September, Herman, who used to bring vegetables to me in town, asked me if I would go and interpret between him and the priest (Santillan) again.

I went and did so, and Herman applied to the priest for the purchase of a piece of land; he said he wanted a piece of his own, and asked the priest to sell him a piece down in the willows where the chemical works, for the manufacture of acids now is, between the old plank road and the old mission road.

The priest told Herman to go to work there and clear off the willows, and after a while he would be able to give him a title to a piece there.

Accordingly, along in the beginning of 1847, about January, Herman began to clear off the brush, and he afterwards moved the cabin he had built at the place below the orchard over to this new ground, and moved there with his family, and cultivated two or three acres of land in all kinds of vegetables; and Herman continued to live and cultivate there till 1849, when I left here. I do not know whether he ever got a title or not.

Question 8. Is said Herman still living?

Answer. No; he is dead I think it was about 1850 or 1851 he died; and I think he died about the Mission Dolores. I was living then in San José.

Question 9. Do you know Herman's christian name?

Answer. I never knew him by any other name but Old Herman, and know of no other part of his name.

Cross-examined by United States Law Agent.

Question 1. Who appointed you Syndico; how were you appointed; and how did you ascertain the duties of the office?

Answer. The first time I was Syndico I was elected by the people in 1842. I served till the next year, when Francisco Sanchez, who was Alcalde and Juez de Pas, appointed me Syndico under him by a written appointment, which, I think, I still have in my possession.

In 1844 I received a written appointment from Captain Hinckly, Alcalde, and one also in 1846 from Alcalde Bartlett.

I only received verbal appointments afterwards from Hyde, Bryant, and Leavenworth, who were the succeeding Alcaldes.

The Alcaldes Sanchez and Bartlett told me what duties I had to perform; and John Fuller, who had been Syndico, told me before I was first elected what the nature of my duties would be.

Question 2. When did said Herman first arrive in California, and by what conveyance?

Answer. He came in the fall of 1845; he came by land from the United States, over the mountains; I do not know what company he came with.

Question 3. Had he a family, and where did he reside in December, 1845, and January, 1846?

Answer. He had a family at that time, and lived with them in the old Mission buildings, at the Mission Dolores?

Question 4. Where did you reside, and how were you employed from January 1, 1846, to January 1, 1847?

Answer. I lived all that year in San Francisco on Washington street, and kept a public house and boarding house called Our House.

Question 5. Describe the house in which Herman lived in January, 1846; give its precise locality?

Answer. He lived in the rear part of the old adobe buildings, either very near, or adjoining the church, when he came to get me for an interpreter.

Question 6. What room did this conversation between Herman and the priest occur in, in which you first acted as interpreter between them?

Answer. In the priest's room adjoining the church in front.

Question 7. Who was present?

Answer. Only us three.

Question 8. How long were you engaged in that conversation?

Answer. Probably about a half hour.

Question 9. Who commenced the conversation?

Answer. I did; I spoke to the priest for Herman; I had before that understood from Herman what he wanted, and what kind of bargain he was willing to make.

And I told the priest Herman wanted to get to work some land to the halves, and the priest was pleased with the proposal, and at once agreed to make such a bargain; and they agreed that Herman should begin where he did, behind the mission, and if he could do more, or wanted more land, that he should cultivate below the orchard, which he afterwards did.

Question 10. Was the quantity of land Herman was to work, spoken of between them?

Answer. No; the quantity of land was not spoken of, but the priest said Herman could go to work behind the mission, and if he could put some things in below the orchard, he would like him to do it.

Question 11. How long after this conversation did Herman remove from where he was then living, and where did he move to?

Answer. I think it was about April, 1846, that he moved from the old mission buildings to the shanty he built on the land he cultivated east of the orchard, about 50 or 60 varas from the orchard wall, close to the fence of a small lot where Valencia had enclosed there.

And between a place now called the Nightingale and the old orchard wall; the Nightingale is on the corner of Mission and Centre streets, as I understand it.

Question 12. How often did you visit the mission in the early part of 1846?

Answer. I generally was over there every week, and I used to attend church there on Sundays.

Question 13. When did you first see the cultivation you speak of in the rear of the church?

Answer. About the latter part of March, 1846; in April, I had vegetables from it at my house.

Question 14. What was Herman doing on those grounds in March, when you saw it?

Answer. He was attending to his vegetables.

Question 15. What was the shape of the piece of land Herman cultivated there in the rear, and how was it fenced?

Answer. It was in a square form, fenced with brush and sticks; it was probably two hundred varas across it each way; though it might be less or more; I cannot say certainly whatthe size was; I think from 6 to 10 acres.

Question 16. When you first saw said cultivation in March, how long did you stay at the place of said cultivation?

Answer. Only a few moments.

Question 17. What kind of vegetables had Herman planted there, and what proportion of the whole in each kind?

Answer. He had a great variety of vegetables; turnips, beets, radishes, lettuce, beans, peas, &c.; he had three or four acres planted there in the rear.

Question 18. What was your business when you first visited said cultivation?

Answer. I merely went to see how the old man was getting along. I had no particular business there.

Question 19. How do you know that Herman built that fence and cultivated that piece of land?

Answer. I saw him at work at it. I saw it with my own eyes, and know that he had oxen from Guerrero for the plough, and that is the only way I know it.

Question 20. How much of that cultivation did you see Herman perform?

Answer. I was several times there, and my visits were generally for a few minutes only, and I generally saw him at work there when I went. I cannot specify the particular days when I visited there. I was generally out there once or twice a week, and almost always went to see old Herman and his garden when I was out at the Mission.

Question 21. Did you ever find him at his house in front of the Mission?

Answer. I did; after he moved into his house he was more generally down there in front, for he then employed an old man to attend the garden back of the Mission.

Question 22. How many times did you see Herman in the rear of the Mission before he moved in front?

Answer. I can say I saw him a half dozen or a dozen times, but I cannot now recollect particularly, nor can I say that I saw him on any particular day.

Qustion 23. Look at the map now shown to you, marked A, PL, as an exhibit to this deposition, and state where said Herman's house was below the orchard, and where his cultivation was, both in front and rear of the Mission?

Answer. I cannot identify the spot clearly on this map, it is on too small a scale. I can state that the house was on the south side of the road leading from the Mission to the Embarcadero, and in front of the Mission. But this map does not lay off the streets and Mission grounds so that I can mark the spot exactly; the cultivation in the rear was on the west side of the Mission buildings.

Question 24. How do you know who employed the old man (German) to attend to Herman's garden in the rear of the Mission?

Answer. I do not know who employed him, but I saw him at work there.

Question 25. Do you know where the lot called the Ludesdorff lot is in front of the Mission; if yea, where does it lie?

Answer. Yes; it is the same ground which old Herman had under cultivation in front of the Mission.

Question 26. How much land had Herman in cultivation there in 1846?

Answer. He had from 4 to 6 acres; he had potatoes and corn there.

Question 27. Had he all the same kinds of vegetables planted there in front as he had in the rear of the Mission?

Answer. He had principally potatoes and corn, but he had some of all kinds of vegetables besides.

Question 28. Was Herman a man of wealth, and did he ever buy or propose to buy any land at the mission to your knowledge?

Answer. He was a poor man; he proposed to buy the piece, as I before stated, from Padre Santillan, in the willows; I do not know of his proposing to buy any other, nor of his buying any.

Question 29. Were you well acquainted with all the people residing about the Mission early in 1846; if yea, did you know of any other man about there of the name of Herman or Harman?

Answer. I know all the people about there, and know no man of either name, except the one I have spoken of.

Question 30. Have you ever, within the last two months, had any conversation with Francisco Sanchez, Joseph Henriquez, and Domingo Feliz, or either of them, in which you stated that you knew nothing about this case in which you are now testifying?

Answer. I have not.

Question 31. Did you ever state to either of said persons, within the last two months, that you never heard of Padre Santillan having a title to the Mission lands until recently?

Answer. I never said anything of the kind.

Re-examined by Mr. Dwinelle for claimant:

Question 1. Do you know what this case is about in which you are now testifying?

Answer. I do not know what the case is about.

Question 2. Do you know whether your testimony is of any importance in this case or not?

Answer. I do not.

Question 3. Have you ever heard, until recently, that Padre Santillan had or claimed to have a title to the Mission lands?

Answer. I have always understood that he had a title to them.

P. T. SHERREBECK.

Subscribed and sworn to before me, on this 7th day of February, A. D. 1855.

PETER LOTT, *Commissioner, &c.*

Filed in office February 9, 1855.
GEORGE FISHER, *Secretary.*

Recorded in Ev. B, vol. 11, p. 364.
GEORGE FISHER, *Secretary.*

Deposition of J. R. Carrillo.

UNITED STATES LAND COMMISSION,
San Francisco, February 12, 1855.

On this day, before Commissioner R. Aug. Thompson, came José Ramon Carrillo, a witness on behalf of the claimant, James R. Bolton, in case number 81, who, after being duly sworn, deposed as follows—his evidence being interpreted by the interpreter of the board.

Present: Claimant's council, and Mr. Brown on the part of the United States law agent.

In answer to questions, witness states that his name is José Ramon Carrillo, his age thirty-one years, and his residence Los Angeles, California.

Questions by claimant's attorney: Where were you when the American forces came to Yerba Buena, now San Francisco, in the year 1846?

Answer. I was then a lieutenant in the Mexican service, under General José Castro, and was at that time with him at Santa Clara.

Question by same. State whether or not you were, at or about that time, detailed by General Castro on any special service or expedition, or if so, what was it?

Answer. I was, about that time, sent by General Castro on a reconnoitring or exploring expedition to the neighborhood of San Francisco.

Question by same. Where did you go when on said expedition?

Answer. I came to the Mission Dolores, and encamped there one night.

Question by same. State how many men you had with you, and whether they were mounted men or not.

Answer. I had with me fifteen men. They were all mounted.

Question by same. State, if you know, where the men put their horses during the night you were at the mission.

Answer. They placed them in an enclosed field, situated in the rear of the mission buildings, which was sown in wheat. We had to take down a part of the fence to admit the horses.

Question by same. State how far said field was situated from the mission buildings.

Answer. As near as I could judge by the eye, it was about two hundred varas from said buildings.

Question by same. In what state of maturity was the wheat in said field at that time?

Answer. It was then in a green state, about half a yard high, and had probably been sown some three or four months.

Question by same. Were you acquainted with Father Prudencio Santillan, at that time padre of the Mission Dolores?

Answer. I saw him, and made his acquaintance, for the first time, on the occasion referred to.

Question by same. State in what manner you made his acquaintance.

Answer. When I placed the horses of my troops in the said field, a person who seemed to be in charge of the field requested him to take them out.

I threatened the person, who then left, and immediately afterwards Padre Santillan and Francisco Guerrero came to the field, and requested me to take my horses out of the field.

As it was his property, and he had a title for it; Guerrero also requested me to take them out, as he was a poor padre, and it was his property.

I declined acceding to their request, and told them that in time of war there was no mercy.

Question by same. State whether or not you afterwards knew said Santillan as the resident curate of said mission.

Answer. I only knew him as curate of the mission from his telling me so at that time; I never saw him afterwards.

Cross-examined on the part of the government:

Question by Mr. Brown. About how large was said field?

Answer. I answer, I cannot tell, as it was dark when I arrived, and I left before it was light in the morning. It was too dark for me to discover its extent.

Question by same. Where did you and troops sleep that night?

Answer. We encamped in the field, and slept there a part of the night. We did not remain all night, but left before day.

Question, by same. Where were you when you saw Santillan and Guerrero?

Answer. I was in the field.

JOSÉ RAMON his × mark CARRILLO.

Sworn and subscribed before me, February 12, 1855.

R. AUG. THOMPSON, *Commissioner.*

Filed in office February 12, 1855.

GEORGE FISHER, *Secretary.*

Recorded in Evidence B, volume 11, page 403.

GEORGE FISHER, *Secretary.*

Deposition of J. Castro.

UNITED STATES OF AMERICA, } ss.
State of California. }

SAN FRANCISCO, *February* 12, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of the United States Land Commissioners in said State, José Castro, a witness for the claimant, James R. Bolton, in case number 81 on the docket of said board, and said witness being sworn, deposed as follows, interpreted from the Spanish by the interpreter of said board:

The United States land agent is present.

Questions by Mr. Dwinelle for claimant.

Question 1. What is your name, age, and residence?

Answer. My name is José Castro; my age forty-six years; my residence in Monterey, California.

Question 2. What office, if any, did you hold under the Mexican government in 1846?

Answer. I was commanding general of the military forces in the department of California.

Question 3. Was you in the actual command of any military force when the Americans landed in Yerba Buena, in July, 1846; if yea, when was you with such command?

Answer. I had at that time with me, under my immediate command, 330 men, at my general headquarters at Santa Clara.

Question 4. State whether or not, on hearing of the arrival of the American forces, you took any measures to ascertain their numbers and position?

Answer. I ordered out two parties of guerrillas, to reconnoitre the enemy, to determine whether it was best to attack them. These parties were commanded, the one by Lieutenant Ramon Carrillo, and the other by Captain Joaquin de la Torre; there were 15 men in each party.

Question 5. Did they go out on that service and return and report to you?

Answer. They did; they came to Yerba Buena and reconnoitered and returned and reported to me at Santa Clara.

Question 6. State, if you know, who was sub-prefect of this partido at that time, and where he resided?

Answer. Francisco Guerrero was the sub-prefect, and he resided at Mission Dolores.

Question 7. Did said sub-prefect ever communicate officially to you respecting the conduct of either of these guerrilla parties at the Mission Dolores?

Answer. He did report to me in writing on that subject.

Question 8. Where is that written communication?

Answer. It was lost in the Rio Colorado county, with all my papers, in August, 1846, about the twentieth of that month.

Question 9. State the capacity in which you were addressed and the capacity in which Guerrero wrote in said official communication.

Answer. Said Guerrero wrote in the capacity of sub-prefect as aforesaid, and addressed me in said communication as the commanding general as aforesaid.

Question 10. State the contents of that official communication.

Answer. I was informed in said writing that the said Guerrillas had taken the horses of peaceful citizens; that Carrillo's party had entirely destroyed a crop (labor) of the padre of the Mission Dolores; I believe the name of the padre was mentioned as Prudencio, though I am not certain; and that the same party, under Carrillo, had maltreated a poor family; that is about the substance of said writing so far as I can recollect it.

Cross-examined by the United States law agent:

Question 1. How many papers did you lose on the occasion you mentioned? Identify each one you can now recollect.

Answer. I had some fifty official communications with me; espedientes formed upon various subjects; some six or seven espedientes of grants of land, which officers had placed in my hands for safe keeping; commissions of officers and papers I do not now remember.

JOSE CASTRO.

Subscribed and sworn to before me, on this 12th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 13, 1855.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, page 405.

GEORGE FISHER, *Secretary.*

Deposition of C. Salazar.

UNITED STATES LAND COMMISSION,
San Francisco, February 14, 1855.

On this day, before Commissioner R. Aug. Thompson, came Canuto Salazar, a witness on behalf of the claimant, James R. Bolton, in case number 81, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter of the board.

Present: claimant's attorney, and Mr. Sutherland on behalf of the United States law agent.

In answer to question witness states, that his name is Canuto Salazar, his age 28 years, and residence San Francisco, California.

Question by claimant's attorney. Do you, or not, know of General Castro being in Santa Clara, in command of some Mexican forces, during the summer of 1846?

Answer. I was in Santa Clara during that summer and know of General Castro being there in command of the troops; I was then a corporal under his command.

Question by the same. Do you, or not, know of General Castro sending out any guerrillas during that time?

Answer. I know of General Castro sending a party of guerrillas to San Francisco under the command of Lieutenant Ramon Carrillo; I was of said party; General Castro was then on the road between San Francisco and San Jose.

Question by same. When did said party go?

Answer. We came as far as the Mission Dolores. We arrived there at night.

Question by same. State how long you remained at the mission, and what occurred while you were there.

Answer. We remained there a part of the night—about three or four hours; we broke through an enclosure while there; was some wheat or barley growing, which was green.

When we went to break into the enclosure Padre Santillan objected, and told us not to break in; he was informed by Lieutenant Carrillo that in time of war there was no mercy, and we accordingly went in.

Question by same. Was any person with Padre Santillan at the time; if so, who?

Answer. There was a Mexican with him, Manuel Guerrero.

Question by same. Did Guerrero take part in the conversation or not?

Answer. He did, but the lieutenant paid no attention to either of them.

Question by same. Did Guerrero or Santillan, or either of them state to whom the field belonged?

Answer. They did not state to whom the field belonged; they only objected to the horses being put there.

Question by same. Where was said field situated?

Answer. It was about three or four hundred varas in the rear of, and from the mission.

Question by same. Were you acquainted with Padre Santillan at that time or since?

Answer. I knew him from the time of his first arrival in the county at Monterey.

Question by same. Did you hear all that passed between Santillan, Guerrero, and Lieutenant Carrillo on the occasion referred to above?

Answer. I only heard the objections made by Guerrero and Santillan to our entering the field, and the lieutenant's response.

Cross-examined by Mr. Southerland on behalf of the United States.

Question by same. Where was General Castro at the time he sent the party under Carrillo to San Francisco?

Answer. He was about a league from the mission, beyond the place known as the Portesuelo; he had with him about one hundred men under his command.

Question by same. How many men had Carrillo with him?

Answer. I do not remember well; but I think about twenty or twenty-five.

Question by same. How old were you when you were appointed corporal?

Answer. I have been a soldier ever since I was seven years old; I was a drummer and bugler, and was about twenty years old when I was appointed corporal.

Question. Was Carrillo at the mission with his party of guerrillos more than once during that year?

Answer. He was never there but once.

Question by same. How high was the grain that was growing in the field at the time?

Answer. It was about two and a half or three feet.

Question by same. How large was said field?

Answer. I cannot state its extent, it was a large field. It was in the night and I could not see how large it was. It was enclosed with stakes and poles tied together with hides.

Question by same. In what direction from the mission was said field?

Answer. The front of the mission is towards the bay; the field was situated in its rear, near towards the hills.

Question by same. Had the fence been broken down and the horses put into the field before Padre Santillan spoke to Carrillo about it?

Answer. The horses were already in the enclosure before the conversation occured.

CANUTO × SALAZAR.

Sworn to and subscribed before me February 14, 1855.
R. AUG. THOMPSON, *Commissioner.*

Filed in office February 14, 1855.
GEORGE FISHER, *Secretary.*

Recorded in Evidence B, vol. 11, page 416.
GEORGE FISHER, *Secretary.*

Deposition of E. La Roche.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *February* 15, 1855.

This day came before Peter Lot, a commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Eugene La Roche, a witness on behalf of the claimant, James R. Bolton, in case number 81 on the docket of said Board, and said witness being sworn, deposed as follows:

The United States associate law agent is present.

Questions by Mr. Howard for claimant.

Question 1. What is your name, age, and place of residence?

Answer. My name is Eugene La Roche; my age, 38 years; my residence, in San Francisco county, California.

Question 2. When did you first come to California, and where did you stop?

Answer. I first came here in March, 1846; I stopped then at the Portsmouth house in this town; I stayed in town here some two or three weeks, and then I went to the Mission Dolores; I stayed about the mission there through the summer and fall of that year.

Question 3. Are you acquainted with Padre Santillan the grantee in this case, and when and where did you first become acquainted with him?

Answer. I am acquainted with him; I first knew him at the Mission Dolores some time in April or May, 1846.

Question 4. Do you know anything of his occupation and cultivation of any lands at and about said mission; if yea, what land, what cultivation, and when was it made?

Answer. I knew of a piece of land being fenced in and cultivated in potatoes, cabbages, radishes, lettuce and other vegetables in the winter of the latter part of 1846, or early in 1847. I lived on the land and had a small house there. It was on what is now Centre street, about four hundred varas from the Mission church, to the eastward, and in May or June, 1846, there was a small piece, about 200 yards, in a southwesterly direction from said church, enclosed and planted in grain; but I do not recollect whether it was wheat or barley. I always understood these enclosed and cultivated belonged to the Priest Santillan; he sent me down there to live and take care of the garden which I have described.

Question 5. When you first saw the grain growing in the field you speak of, how high was it?

Answer. I think the grain was a foot or 18 inches in height when I first saw it.

Question 6. Did you see said Santillan exercising acts of own-

ership about said field, and did not Santillan and others inform you that it was his crop?

Question 6 objected to by Judge Southerland for United States Law Agent.

Answer. I heard the said Padre Santillan call it his crop, and heard Guerrero allude to it as belonging to said Santillan.

Question 7. Did you ever see any other person, or know of any other person there, or ever hear of any one besides said Santellan, claiming that crop?

Answer. I never did.

Question 8. Was this crop of barley, or grain, growing in this field that you speak of when you first went to the Mission?

Answer. It was.

Question 9. Was the garden in cultivation, and the vegetables growing in it, when you first went to the Mission?

Answer. Yes, it was, and the things were growing when I first went there.

Question 10. Was or was not that garden cultivated for said Santillan, and were you not permitted to live there, and the place pointed out to you by Santillan as his property?

Answer. I always understood the Padre to claim it, and the men who were working it always looked to him as the owner.

I went there under the permission of said Padre Santillan, and he pointed out the place to me as belonging to him.

Cross-examined by Judge Southerland for U. S. Law Agent:

Question 1. Who requested you to come here and testify in this case?

Answer. Charles Brown did.

Question 2. Where was the Portsmouth House, which you speak of, situated in this city?

Answer. On the southeast corner of Clay and Kearny streets.

Question 3. Who was cultivating said garden when you went there to live?

Answer. A man by the name of Jacob Herman, an old Dutchman; they called him Missouri Herman; that was late in 1846, or early in 1847; I moved into the same house that Herman lived in; it was afterwards torn down;

Ridley had it torn down; Herman had no family then; his wife, I think, came afterwards; I knew his wife after that.

The house was just one room, about 10 feet by 12 feet, with an adobe fire-place in it.

Question 4. How far was this house from the Mission buildings, and in what direction?

Answer. It was about 400 yards, in an easterly direction, from the church, towards the Embarcadero; it stood in the enclosure near what is now Centre street, but not on the street.

Question 5. Was not that ground known as the Ludesdorff lot at that time?

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Answer. No; it was not that I ever heard. I always understood it belonged to the padre, but it was afterwards called the Ludesdroff lot; but that was in 1848, I think.

Question 6. When was that grain cut?

Answer. I do not remember when it was cut.

Question 7. How long did you live with said Herman?

Answer. From four to six weeks; I do not remember precisely. I was sick at the time.

EUGENE LA ROCHE.

Subscribed and sworn to before me on this 15th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 19, 1855.

GEORGE FISHER, *Secretary.*

Recorded in Evidence, volume 11, page 423.

GEORGE FISHER, *Secretary.*

Deposition of Mary Love.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *February* 16, 1855.

On this day came before Peter Lott, commissioner for taking testimony to be used before the board of United States land commissioners in said State, Mary Love, a witness on behalf of the claimant in case number 81, wherein James R. Bolton is claimanc, who, after being duly sworn, deposed on oath as follows:

The United States law agent is present by Judge Southerland.

Questions by Mr. Howard for claimant.

Question 1. What is your name, age, and residence?

Answer. My name is Mary Love; my age is forty years; my residence is Santa Clara county, California.

Question 2. State whether you visited the Mission Dolores in 1846, and if yea, on what occasion?

Answer. I was at said mission in July or August, 1846; I do not remember the month, but it was very hot weather. I was bringing my sick child from Santa Clara to San Francisco for medical aid, and I stopped all night at the priest's house of said mission, with a housekeeper of the priest, who was a friend of mine.

Question 3. Where did Padre Prudencio Santillan then reside?

Answer. He lived in the building adjoining the church of the old mission buildings.

Question 4. Was there any land in cultivation at that time about the mission; if yea, where was it situated?

Answer. The padre had a garden down on the right hand side of the road coming to San Francisco, just below and adjoining the old orchard in front of the mission; and the priest had some wheat up back of the mission, which they were about harvesting when I saw it; a part of it was cut and a part standing. The priest had some Indians or Spaniards there harvesting for him. The grain was two or three hundred yards from the mission buildings, in the rear. It was not a very large field, but I cannot say accurately how much land there was in grain.

Question 5. Who had the control and management of the garden and crops of which you have been speaking?

Answer. Padre Santillan had; there was nobody else there who had any corral but he; I know him well; I had got acquainted with him at Santa Clara, and I was well acquainted with Chapitu Sue, his house keeper, she was my *Commadro* when my little child was baptized; and I was at the Mission in February 1847, again, and the Padre was then out in the field where they were sowing wheat, and I saw the garden there again.

Question 6. Do you know who claimed the land about said Mission in 1846 and 1847?

Answer. I do not know.

Cross-examined by Judge Southerland for United States law agent.

Question 1. When did you first come to this country?

Answer. I came here first to San Francisoo on the 13th of December, 1843.

Question 2. How old was the child you speak of as being sick when you was at the Mission in 1846?

Answer. She was born June 19, 1838, in Arkansas, and I had her baptized here in 1845, to conform to the rules of the Catholic church here; my child's name was Julia Ann.

Question 3. How long was it after the war that you made that visit to the Mission in 1846?

Answer. A very short time; it must have been but a few days after the American flag was raised here.

Question 4. Was there any house at that time upon the garden you speak of?

Answer. I do not remember seeing a frame house in the garden; there was a good many buildings round there, but I cannot say whether there was a house in the garden or not.

Question 5. Was that garden fenced; if yea, how?

Answer. The side next to the old orchard was the old adobe orchard wall, and the garden was enclosed on the other sides, and I think with willows and hidethongs, the way they used to make fences in those times.

Question 6. Was the wheat field enclosed with a fence?

Answer. I think there was a willow fence around it, but I did not notice it particularly.

Question 7. Did you go with Chapitu Sue to the wheat field?

Answer. I did not go to the wheat field at all, but Chapitu Sue and I walked through the garden and looked at it.

Question 8. Is Chapitu Sue that woman's name?

Answer. I know her by no other name; she was the mother-in-law of Jose de la Cruz Sanchez, and the priest's housekeeper.

Question 9. How long was Chapitu Sue housekeeper for the priest?

Answer. I only know that she was housekeeper on the two occasions when I visited there in 1846 and 1847; I don't know how long she kept house for the priest.

Question 10. When did Padre Santillan first come to this country?

Answer. He came first to Santa Clara along in the winter of 1845 and 1846.

It was, I think, before Christmas 1845, but I am not certain, it might have been in the beginning of 1846.

He came with some other Padres, and they were called clerico priests, and wore different costumes from the old gray coated priests who were here before; these were all young men dressed alike and in dark clothes.

Question 11. Were you ever at said Mission Dolores more than once in 1846?

Answer. I passed through there several times on my way to San Francisco, but never stopped there but that one time.

her
MARY ⋈ LOVE.
mark.

Subscribed and sworn to before me, on this 16th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 19, 1855.

GEORGE FISHER,
Secretary.

Recorded in evidence, vol. 11, B, page 421.

GEORGE FISHER,
Secretary.

Deposition of W. R. Bassham.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *February* 17, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Com-

missioners in said State, William R. Bassham, a witness on behalf of the claimant, James R. Bolton, in case No. 81 on the docket of said board, and said witness being duly sworn, testified as follows:

Messrs. Southerland and Brown appeared for the United States law agent.

Questions by Mr. Dwinelle for claimant:

Question 1. What is your name, age, and residence?

Answer. My name is William R. Bassham; my age thirty-three years; my residence in San José, Santa Clara county, California.

Question 2. What countryman are you by birth, and when did you come to California?

Answer. I was born in Kentucky, and came to California in October, 1845, and on the 1st day of November, 1845, I arrived in San Francisco.

Question 3. Have you resided ever since that time in California?

Answer. I have.

Question 4. State whether or not you have occupied any public position in California, and if yea, what position?

Answer. I was a member of the State senate of California at the first session of that body, in 1849 and 1850.

Question 5. Were you or not acquainted with Padre José Prudencio Santillan, formerly priest of the Mission Dolores; if yea, when did you first become acquainted with him?

Answer. I first formed the acquaintance of said Santillan, I think, in December, 1845; I am not certain as to the precise time.

Question 6. Did you or not know of said priest cultivating any lands about the said mission?

Answer. There was a piece of ground in the rear of the mission belonging to the mission which had the appearance in 1845 of having been cultivated.

And in the spring of 1846, before I left San Francisco, there were men at work on that ground. I believe they were Indians, under the direction of the priest, as I understood; he claimed it, and seemed to have the general control of it.

Question 7. What was planted in the ground you speak of?

Answer. I am not certain, but I think cabbages, onions, and red peppers, and such things as a kitchen garden furnishes, and a part appeared to be sowed in some kind of grain; it had a green appearance; I do not know what grain it was.

Question 8. State whether or not said Santillan gave any directions to the laborers about said cultivation?

Answer. I do not remember having seen him direct them; I was in the garden with the priest, and some of the laborers were servant boys about his house; but I do not now remember any specific directions he gave them.

Question 9. State whether or not you know of any other land in and about said Mission being cultivated in 1846?

Answer. There was a small piece of land cultivated a little north of east from the Mission buildings; it was a small house-garden, cultivated by a man named Galindo or his family.

Question 10. Did you or not know a piece of land at said Mission called Ludesdroff lot?

Auswer. In the fall of 1846, or about the time I returned here from Los Angeles, Ludesdorff commenced fencing and improving a piece of ground east of the Mission.

He may have commenced that fencing and improvement before or after I returned; I am not certain as to the exact time; I returned here in October, 1846.

He (Ludesdorff) had a very good vegetable garden there in the summer of 1847. The artificial stream running down Centre street was running when I first arrived here.

The fence around Ludesdorff's said lot was a willow and hide fence in part, and some of plank or boards.

Question 11. State whether or not you know of any arrangement being made by Ludesdorff with any one for the possession and cultivation of this ground; if yea, with whom?

Question 11 objected to by U. S. Law Agent.

(The counsel for claimant insists that the Law Agent shall state whether his objection to this question is in point of form or substance.)

Answer. I know of no such arragement; I was a salesman of said Ludesdorff from November 1, 1845, to May 5, 1846, or about that time; and I have seen Ludesdorff and said Santillan talking together.

And have heard Santillan apparently making claims of some kind upon Ludesdorff, but in what connexion I cannot tell. Ludesdorff's name was William A. Ludesdorff, and he is dead.

Cross-examined by U. S. Law Agent.

Question 1. When was it that Santillan and Ludesdorff had those converations of which you speak?

Answer. I am not certain whether it was before I went south or after my return; it is a good while ago, and I cannot remember.

Question 2. State how near this cultivated ground, in the rear of the Mission, was to the Mission buildings, and about how large it was?

Answer. The nearest point I should think was one or two hundred yards from said buildings; I think there was somewhere between eight and twelve acres.

Question 3. How often did you stop at Padre Santillan's house in 1846?

Answer. I was frequently there, the number of times I cannot recollect.

Question 4. Did any one live on that Ludesdorff lot in 1847?

Answer. Yes, there was a German living there and cultivating the garden.

W. B. BASSHAM.

Subscribed and sworn to before me, on this 17th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 20, 1855.

GEORGE FISHER,
Secretary.

Recorded in Evidence B, vol. 11, p. 436.

GEORGE FISHER,
Secretary.

Deposition of A. T. Moses.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *February* 15, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Ambrose T. Moses, a witness on behalf of the United States in case number 81 on the docket of said board, wherein James R. Bolton is claimant, and said witness being sworn deposed as follows:

Judge Thornton and Mr. Howard present for claimant.

Questions by Judge Southerland for United States:

Question 1. What is your name, age, and residence?

Answer. My name is Ambrose T. Moses; I am about sixty; my residence in Santa Cruz, California.

Question 2. When did you first come to California, and where did you live after you came?

Answer. I first came here in July, 1846; I remained a few weeks about here in the city and down the coast; I moved my family in September of that year to the Mission Dolores; I had visited the Mission myself, in August, before I moved there.

Question 3. Was there any cultivation about the Mission, in August, when you first went there?

Answer. I visited said Mission very early in the month of August, 1846, and there was no cultivation of any land there anywhere round within a mile of said Mission.

Question 4. Was there any field enclosed in the rear of the Mission when you first went there?

Question 4 objected to by claimant's counsel.

Answer. There was not.

Question 5. Was there any wheat field growing there, or the remains of any, at that time?

Question 5 objected to by claimant's counsel.

Answer. No, there was no sign of any such thing.

Question 6. Had you any conversation with Padre Santillan relative to the lands of said Mission? If yea, when, where, and what was said?

Question 6 objected to by claimaint's counsel.

Answer. I had a conversation with him along in October, 1846, at the priest's residence, near the church, concerning said lands. I wished to purchase some land of him; he said he had no land, but that I might occupy as much of any land that I pleased round there, so far as he was concerned. There were three or four of us went to him, and I was present at the conversation, and Santillan requested us to stay there and take up our abode there; several families of us did so, and mine has remained there to this day.

Question 7. Did Padre Santillan make any claim to any of the land round there? If yea, to what portion of said land?

Question 7 objected to by claimant's counsel.

Answer. He claimed nothing more than the graveyard, the church, and the buildings adjoining it; he took us into his backyard and showed me some willows which formed the boundary of the ground he claimed; the stumps of some of those willows I think still are there; I saw them a few days ago.

Question 8. Were you acquainted with Jacob Herman. If yea, state when he first came to reside at the Mission Dolores?

Answer. I was acquainted with him, he first came to reside at said mission in the spring of 1847.

Question 9. Where did he first live at said mission after he moved there?

Answer. He moved into a house with a Mexican family, east of the church, an adobe house covered with tiles, say one hundred yards from the church; he moved from that house into a small house built by William A. Ludesdorff for a gardener's house; he lived there through the season of 1846; he planted potatoes, cabbages, and garden vegetables that season.

Question 10. Explain your last answer and state precisely when it was that Herman lived in said gardener's house, and cultivated the land there?

Question 10. Objected to by the claimant's counsel.

Answer. As near as I can tell, it was in April, 1847, that he went into the gardener's house, and he cultivated that season, after he moved there; I meant to say 1847 when I said 1846, in my last answer.

Question 11. Where did said Herman remove after he left the Ludesdorff house?

Question 4. Did any one live on that Ludesdorff lot in 1847?

Answer. Yes, there was a German living there and cultivating the garden.

W. B. BASSHAM.

Subscribed and sworn to before me, on this 17th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 20, 1855.

GEORGE FISHER,
Secretary.

Recorded in Evidence B, vol. 11, p. 436.

GEORGE FISHER,
Secretary.

Deposition of A. T. Moses.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *February* 15, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Ambrose T. Moses, a witness on behalf of the United States in case number 81 on the docket of said board, wherein James R. Bolton is claimant, and said witness being sworn deposed as follows:

Judge Thornton and Mr. Howard present for claimant.

Questions by Judge Southerland for United States:

Question 1. What is your name, age, and residence?

Answer. My name is Ambrose T. Moses; I am about sixty; my residence in Santa Cruz, California.

Question 2. When did you first come to California, and where did you live after you came?

Answer. I first came here in July, 1846; I remained a few weeks about here in the city and down the coast; I moved my family in September of that year to the Mission Dolores; I had visited the Mission myself, in August, before I moved there.

Question 3. Was there any cultivation about the Mission, in August, when you first went there?

Answer. I visited said Mission very early in the month of August, 1846, and there was no cultivation of any land there anywhere round within a mile of said Mission.

Question 4. Was there any field enclosed in the rear of the Mission when you first went there?

Question 4 objected to by claimant's counsel.

Answer. There was not.

Question 5. Was there any wheat field growing there, or the remains of any, at that time?

Question 5 objected to by claimant's counsel.

Answer. No, there was no sign of any such thing.

Question 6. Had you any conversation with Padre Santillan relative to the lands of said Mission? If yea, when, where, and what was said?

Question 6 objected to by claimaint's counsel.

Answer. I had a conversation with him along in October, 1846, at the priest's residence, near the church, concerning said lands. I wished to purchase some land of him; he said he had no land, but that I might occupy as much of any land that I pleased round there, so far as he was concerned. There were three or four of us went to him, and I was present at the conversation, and Santillan requested us to stay there and take up our abode there; several families of us did so, and mine has remained there to this day.

Question 7. Did Padre Santillan make any claim to any of the land round there? If yea, to what portion of said land?

Question 7 objected to by claimant's counsel.

Answer. He claimed nothing more than the graveyard, the church, and the buildings adjoining it; he took us into his backyard and showed me some willows which formed the boundary of the ground he claimed; the stumps of some of those willows I think still are there; I saw them a few days ago.

Question 8. Were you acquainted with Jacob Herman. If yea, state when he first came to reside at the Mission Dolores?

Answer. I was acquainted with him, he first came to reside at said mission in the spring of 1847.

Question 9. Where did he first live at said mission after he moved there?

Answer. He moved into a house with a Mexican family, east of the church, an adobe house covered with tiles, say one hundred yards from the church; he moved from that house into a small house built by William A. Ludesdorff for a gardener's house; he lived there through the season of 1846; he planted potatoes, cabbages, and garden vegetables that season.

Question 10. Explain your last answer and state precisely when it was that Herman lived in said gardener's house, and cultivated the land there?

Question 10. Objected to by the claimant's counsel.

Answer. As near as I can tell, it was in April, 1847, that he went into the gardener's house, and he cultivated that season, after he moved there; I meant to say 1847 when I said 1846, in my last answer.

Question 11. Where did said Herman remove after he left the Ludesdorff house?

Answer. He moved to what is called the Willow swamp, about 100 yards in a northerly or northeasterly direction from said Ludesdorff house.

Question 12. Who claimed to own the garden where the Ludesdorff house was, in 1847?

Question 12 objected to.

Answer. Mr. Ludesdorff himself claimed it, and had the control of it.

Question 13. Did padre ever tell you in 1847 that that was Ludisdorff's lot?

Question 13 objected to as leading.

Answer. I have no recollection of any such conversation.

Question 14. How were the conversations carried on between you and Padre Santillan?

Answer. Through an interpreter named Harry Brown; at another time a son of mine, who speaks good Spanish, acted as interpreter.

Question 15. Did said Jacob Herman live in any other house about said mission besides those you have named in the years mentioned?

Answer. None others to my knowledge; he lived and died at the last place mentioned.

Question 16. State whether said Herman ever cultivated any field in the rear of the mission in 1847?

Answer: He never did.

Question 17. Were there any cattle ranging about the mission there in 1846 or 1847; if yea, about how many, and to whom did they belong?

Answer. At certain seasons there were numbers there; they came from neighboring ranchos and belonged to the Mexican rancheros; they used in the rainy season to come there for shelter in the old ruined buildings.

Question 18. Had Padre Santillan any cattle ranging there?

Answer. I know of none; it was said by the Mexican people that the church had been robbed of all its cattle and stock.

Question 19. State the precise locality of the house you have spoken of as the gardener's house of Ludesdorff?

Answer. It was, as near as I can tell, about 200 yards in an easterly direction from the Mission church, just in front of the house where Mr. De Saldo now resides, about fifty yards to the east of the old orchard wall of the mission.

Cross-examined by Mr. Howard for claimant.

Question 1. After your conversation with Padre Santillan in August, 1846, how many families of your party located in the mission in the year 1846?

Answer. I think there were about a dozen moved there to winter.

Question 2. What business did they follow?

Answer. Some of them were mechanics and they worked around where they could get work.

Question 3. In what portion of the mission did they reside?

Answer. All around it, wherever they could get shelter.

Question 4. When did any of them begin to cultivate lands at the mission?

Answer. I think it was in 1847.

Question 5. In what part of the mission did you reside in the years 1846 and 1847?

Answer. In the north part of the mission block where I now live.

Question 6. Had you any dispute with Padre Santillan relative to the lands of the mission?

Answer. The padre brought a suit against me in behalf of the church, in 1849.

Question 7. Do you now claim any land at said mission?

Answer. I do not; I have sold all my right, title, and interest there to Mr. Dihoul, and I hold a morgage against him for $3,000. It is west of the Mission buildings, and I do not know whether it embraces the house I now live in or not; it is a tract of about twenty acres which comes down near the Mission buildings.

Question 8. Under what title did you hold the land you sold?

Answer. I claimed a pre-emption as a settler on public lands.

Mr. Howard objects to the competency of the witness on the ground of his interest.

AMBROSE T. MOSES.

Subscribed and sworn to before me, on this 15th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 19, 1855.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, volume 11, p. 492.

GEORGE FISHER, *Secretary.*

Deposition of C. Chapman.

UNITED STATES OF AMERICA, }
State of California, } *ss.*

SAN FRANCISCO, *February* 19, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Charles Chapman, a witness on behalf of the United States in case number 81 on the docket of said

board, wherein James R. Bolton is claimant, and said witness, being sworn, deposes as follows:

Messrs. Howard and Dwinelle are present for claimant.

Questions by Judge Sutherland for United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Charles Chapman; my age 30 years; my residence at the Mission Dolores, San Francisco county, California.

Question 2. When did you come to California, and where have you lived in this State?

Answer. I came to California in the latter part of May, 1847, and have lived since then principally at the Mission Dolores. I went to work about the 2d week of June, 1847, for Captain Ludesdorff, at said Mission.

Question 3. State particularly where and at what you then worked.

Answer. I was finishing the fencing of a lot of about 12 acres for him; the lot is along where Centre street is, about 200 yards east from the church. There was a man by the name of Jacob Herman working in this lot, which was a garden. Said Herman worked this garden for Ludesdorff on shares. I went, after I finished the fence, and worked in the garden. Ludesdorff paid me for my work on the fence, and for my labor in the garden Jacob Herman paid me.

Question 4. Are said Herman and Ludesdorff living?

Answer. No; they are both dead.

Question 5. Upon what terms did Herman work said garden?

Answer. I only know from what Herman himself told me. He said he was to have one-third of the products of the garden as his share.

Question 6. State how long you worked for said Herman.

Answer. I worked for him several times. In 1847 I worked for him from some time in June till about Christmas.

Question 7. State whether or not Herman's family resided with him at that time.

Answer. They were with him the whole time that I worked there.

Question 8. State what was the description and condition of that fence when you were there to work at it.

Answer. It was a brush fence. The part I worked on was the north side of the garden, now the south side of Centre street.

Question 9. What was the situation of the ground when you went there?

Answer. There were about four acres of it planted in potatoes when I went there; Herman planted them, and there were about two acres in cabbages, turnips, and other garden vegetables. The remainder of the enclosure was not broken up at all. After I went to work we dug and ploughed a portion of the latter for small vegetables.

Question 10. How long did Herman live on that place after you went there?

Answer. He left there about Christmas, 1847. He went there to live in the winter of 1846 and 1847, at least this is what Herman told me as to the time of his going there to live; he moved to a spot of ground about 150 yards to the south of said garden, when he left there on Christmas.

Question 11. Do you know Eugene La Roche; if yea, where did you see him, and when last before his arrival in California?

Answer. I am acquainted with him; I saw him in the Sandwich islands in the fall of 1846; that is the last time I saw him till I saw him here in 1847.

Question 12. Did said La Roche reside with said Herman any time while you was there in 1847?

Answer. He did not; he was living here in town, at the Washington market, with a shipmate of mine, a butcher.

CHARLES CHAPMAN.

Subscribed and sworn to before me, on this 11th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 20, 1855.

GEORGE FISHER,
Secretary.

Recorded in evidence B., vol. 11, page 495.

GEORGE FISHER,
Secretary.

Deposition of E. Sibrian.

UNITED STATES OF AMERICA, } *ss.*
State of California, }

SAN FRANCISCO, *February* 17, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, Eusebio Sibrian, a witness on behalf of the United States in case number 81 on the docket of said board, wherein James R. Bolton is claimant; and said witness being sworn, deposed in Spanish, which was interpreted by the interpreter to said board, as follows:

Messrs. Howard and Dwinelle appear for claimant.

Questions by Judge Sutherland, for the U. S. law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Eusebio Sibrian; my age 28 years; my residence near Monte Diablo, in Contra Costa, in California.

Question 2. Are you acquainted with José Ramon Carrillo; if yea, state whether or not he came here to be examined as a witness in this case on the part of the claimant; and state also, if you know, the circumstances under which he came?

Answer. I am acquainted with said Carrillo, and I know that he came to give testimony in this case; last Sunday I was requested by Mr. Palmer to go and bring said Carrillo to be a witness in this case. Mr. Palmer gave me forty dollars for my expenses, and one hundred dollars when I returned with Carrillo on Monday; on Monday I asked Carrillo how he got along, and he said he got along very well; that he had given his evidence, and that he had received $500 from the company or persons who called him to give his evidence. The time when I asked Carrillo how he was getting on was on Monday night and on Tuesday morning.

The place where I went for Carillo was the Ranche of Guadalupe, two or three leagues this side of Martinez.

The claimant's counsel objects to the statements of Carrillo as incompetent.

Cross-examined by claimant's counsel:

Question 1. When Mr. Palmer employed you to go for Carillo, did he not say to you that he had just discovered that Carrillo would be a very important witness for him in a case which might be submitted on Tuesday, and that he must have him here on Monday or Tuesday?

Answer. Mr. Palmer told me that it was very important that Carrillo should be here on Monday; but he did not tell me what he wanted him for.

Question 2. Did Mr. Palmer say anything about Carrillo being interested in a law suit at Martinez, which was to be attended to on Monday?

Answer. No; I heard nothing of that kind.

Question 3. How many leagues did you have to travel to find Carrillo?

Answer. I cannot say how far it was; I left here at 10 o'clock on Sunday, and found Carrillo that night.

Question 4. Did Carrillo tell you when you found him that he could not well come because he had a law suit, or was interested in a law suit that was coming off at Martinez on Monday?

Answer. He did tell me so.

Question 5. Did you not then say to Carrillo that he must come, and that if he lost anything by coming Mr .Palmer would pay him?

Answer. I did not reply to Carrillo; but he said it was more important to come and give this testimony than to go to Martinez.

EUSEBIO SIBRIAN.

Subscribed and sworn to before me on this 17th day of February, 1855.

PETER LOTT
Commissioner, &c.

Filed in office February 20, 1855.

GEORGE FISHER,
Secretary.

Recorded in evidence B., vol. 11, p. 497.

GEORGE FISHER,
Secretary.

Deposition of W. F. Swasey.

UNITED STATES OF AMERICA, } ss.
State of California, }

SAN FRANCISCO, *February* 17, 1855.

This day personally came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, William F. Swasey, a witness on behalf of the claimant, James R. Bolton, in case No. 81 on the docket of said board, and said witness being sworn, deposed as follows:

Messrs. Brown and Southerland appear for the United States law agent.

Questions by Mr. Dwinelle for claimant:

Question 1. What is your name, age, and residence?

Answer. My name is William F. Swasey; my age 31 years; my residence in San Francisco, in California.

Question 2. Where was you born, and when did you come to California, and where have you resided?

Answer. I was born in the State of Maine; I arrived in California in September, 1845; I have lived in the State ever since, principally in San Francisco.

I was an assistant commissary under Frémont in the war, and I exercised the functions of a marshal in a civil capacity under Frémont, when he was acting as governor of the Territory of California; and I was commissioned as such.

Question 3. Were you acquainted with Prudencio Santillan, formerly priest of the Mission Dolores; if yea, how long have you known him?

Answer. I know him, and saw him every day about February, 1846; I had no personal acquaintance with him.

Question 4. Are you acquainted with the field immediately in the rear of the Mission buildings of said mission; if yea, how long have you known it?

Answer. I know that there was a piece of ground, late in February or early in March, 1846, immediately in the rear of the said buildings, which had then the appearance of being broken up and cultivated. It had the appearance of being planted—was green—but I do not know what was planted there. As a matter of general notoriety, I understood it was claimed by and belonged to said Santillan, and was called the Mission *Milpa* Field.

Cross-examined by United States law agent.

Question 1. How far was this field from the Mission church, and how was it fenced?

Answer. I should think it was from one hundred to two hundred yards distant from the Mission buildings, and the fence, as near as I can recollect, was a willow and thong fence.

Re-examined by claimant's counsel.

Question 1. Who had the management and control of the Mission and this garden you speak of in 1846?

Answer. So far as my observation extended, I supposed the said Santillan had the control and management of the Mission, and the property there and all its concerns; I was frequently at the mission during that year.

Cross-examined by United States law agent.

Question 1. Were not nearly all the lands about said Mission used in common by the cattle and horses of the people around there?

Answer. All the land that was not enclosed seemed to be open to common use and cattle and horses grazing on them; I do not know whose cattle they were.

W. B. SWASEY.

Subscribed and sworn to before me, on this 17th day of February, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in office February 20, 1855.

GEORGE FISHER,
Secretary.

Recorded in Evidence B, vol. 11, p. 435.

GEORGE FISHER,
Secretary.

Deposition of G. Stoneman.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *February* 24, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the Board of United States Land Commis-

sioners in said State, George Stoneman, a witness on behalf of the United States in case number eighty-one on the docket of said Board, who, being duly sworn, deposed as follows:

Judge Thornton appears for claimant.

The United States law agent is present.

Questions by same.

Question 1. What is your name, age, and residence?

Answer. My name is George Stoneman, my age thirty-two years, and my residence at present at Benicia; I belong to the United States army.

Question 2. State how long you have been in California, and where you have principally resided during that time.

Answer. I have been mostly in California since January, 1847; up to August, 1848, I lived in the southern part of the State, and since that time in the northern part of the State in the winter of 1848–'9, from August of the former to May of the latter year, and was stationed at the Presidio of San Francisco.

Question 3. Did you know Padre Prudencio Santillan, if yea, where did you know him, and what relations had you with him?

Answer. I knew him at the mission Dolores; I knew him socially, and once had business relations with him.

In the early part of 1849, I was applied to by Robert Ridley to make a survey of the lands in the vicinity of the mission Dolores into building lots.

Ridley came on the part of the Padre Santillan and himself, offering me remuneration for my services a portion of the lots.

I had an interview with said padre and Mr. Ridly, at the mission, and concluded to make the survey. I went over the land in the vicinity of the church and mission buildings, made arrangements for locating the streets and squares.

Before I entered upon this survey, in order to secure myself, I took measures to ascertain, by inquiry, what title I was to have for my portion of the property.

I became satisfied that no title I could get from Santillan or Ridley would be of any value to me; about that time, also, General Mason, then military governor of California, as I understood, had issued an order prohibiting the priests, in charge of the missions, from disposing of mission property; I therefore declined making the proposed survey.

Question 4. State whether you ever heard said Santillian make claim to any lands at the mission Dolores, and also whether you was in the habit of conversing with him on the subject of lands?

Answer. I never heard him make any claim to the lands at said mission, other than the right he claimed to dispose of the mission lands, by virtue of his position as priest of the mission.

I never conversed with him on the subject of lands, other than the lands belonging to the mission, embracing the basin around the mission of about half a mile in different directions from the

mission buildings, or what was generally considered the farming and garden lands of the mission.

Question 5. Under what authority was this survey proposed to be made.

Answer. None other than the authority of the said Santillan and Ridley; Ridley told me he owned some of the lands and buildings about the mission.

Judge Thornton objects to hearsay statements of Ridley.

Cross-examined by Judge Thornton for claimant:

Question 1. Please to state whether you, at the period you have been testifying of, spoke the Spanish language?

Answer. I spoke it, but quite imperfectly; but well enough to get along with people of the country in ordinary conversations. Padre Santillan did not speak English with me.

Question 2. Were those conversations with Santillan to which you have referred, about the garden lands of the Mission, frequent and habitual, or confined to the occasion of your proposed survey?

Answer. As near as I can recollect I did not converse with him more than three or four times about the lands, and on those occasions principally with reference to the proposed survey.

Re-examined by U. S. associate law agent:

Question 1. How did you conduct your conversations with said Santillan?

Answer. My conversations with him were always in the presence of said Ridley, who acted as interpreter between us when required; Ridley spoke both the Spanish and English languages fluently.

GEORGE STONEMAN.

Subscribed and sworn to before me on this 24th day of February, A. D. 1855.

PETER LOTT, *Commissioner, &c.*

Filed in office February 26th, 1854.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, page 447.

GEORGE FISHER, *Secretary.*

Deposition of J. M. Castro.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *March* 1, 1855.

This day came before Peter Lott, Commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State, José Maria Castro, a witness on behalf

of the claimant, James R. Bolton, in case number 81 on the docket of said Board, when said witness being sworn, deposed as follows:

The United States Law Agent is present by Judge Brown and Judge Southerland.

Questions by Mr. Dwinelle, for claimant:

Question 1. What is your name, age, and residence?

Answer. My name is Jesus Maria Castro; my age, thirty-five years; my residence, in the county of Santa Clara, California.

Question 2. Are you acquainted with Padre José Prudencio Santillan; if yea, where and when, and how long have you known him?

Answer. I am acquainted with him; I first knew him at Monterey, in 1844, and was acquainted with him till about 2 or 3 years ago; I knew him at Santa Clara; he has been at my house there; he lived two or three months, in 1845, at Santa Clara, and was then transferred to the Mission Dolores, at which last place I saw him in February, 1846.

Question 3. What was your business at Mission Dolores in February, 1846?

Answer. I went there to settle an account of $45 which I owed to Padre Santillan.

Question 4. Was there at that time any cultivation of the field in the rear of the mission buildings at the Mission Dolores; if yea, what was it?

Answer. There was cultivation there, or at least there was a field partly inclosed, which some Indians were ploughing and breaking up, and the Padre Santillan took me out and showed me what they were doing, and expressed his want of teams and means for carrying on the work as he wished. The Indians were working for the padre. The enclosure I speak of was a species of fence made of poles and brush, such as was the fashion for fencing at that time.

Question 5. What kind of brush was the fence made of and where did it come from?

Answer. It was brush from the wild growth along the cañada which runs down where there is a small stream which empties into the estero.

Cross-examined by Mr. Brown, United States law agent:

Question 1. How large was this field and how far was it from the church buildings of the Mission?

Answer. I think it was a piece of land about 600 varas long and 500 varas wide, and it was about 250 varas from the church to the Mission.

Question 2. In what year was you born?

Answer. I was born on the 9th day of May, 1820 or 1821.

Question 3. Did you pay the $45 to the Padre Santillan?

Answer. I arranged it with Robert Ridley at that time that he was to pay it to the padre. It was a debt the padre owed to

a carpenter for work done at my father's grave which I had requested the padre to have done.

Question 4. State whether there was any other land cultivated about that time at said Mission?

Answer. Yes; the padre had a patch of vegetables below the Mission, and Candalario Valencia also had ground cultivated. I was there three or four days, and the padre walked about over the Mission and showed me these things, and he complained to me of his great poverty.

Question 5. Was there any land cultivated along the road leading from the Mission to Yerba Buena.

Answer. I think there was none there; I do not recollect to have seen any.

Question 6. Was this visit you made to the Mission before or after the Americans took the country?

Answer. It was before.

JESUS MARIA CASTRO.

Subscribed and sworn to before me, this 1st day of March, A. D. 1855.

PETER LOTT,
Commissioner, &c.

Filed in my office March 2, 1855.

GEORGE FISHER,
Secretary.

Recorded in Evidence B, vol. 11, p. 498.

GEORGE FISHER,
Secretary.

Deposition of E. O. Crosby.

UNITED STATES LAND COMMISSION,
San Francisco, March 6, 1855.

On this day, before Commissioners sitting as a Board, came E. O. Crosby, a witness on behalf of the United States in case No. 81, wherein James R. Bolton is claimant, who, after being duly sworn, deposed as follows:

Questions by the United States law agent:

Question 1. Look at the signatures of Pio Pico and José Matias Moreno as they appear in an original document filed in case number 94, before the commission; which paper, marked X, Y, Z, No. 1, hereto annexed and filed in this case October 28, 1854, is a certified copy, and state whether said signatures are genuine, giving your means of knowledge.

Question 1 objected to by claimant's counsel as irrelevant.

Answer. I have looked at the signature of Pio Pico to the paper

referred to in the foregoing interrogatory, and believe said signature of Pio Pico to be his genuine signature.

I have seen said Pico write, and have received many business letters from him. I have charge of his cases before this Board as his counsel. I cannot state as to the signature of José Matias Moreno; I never saw him write.

E. O. CROSBY.

Sworn to and subscribed before the commissioners sitting as a a board, this 4th day of March, 1855.

Attest: GEORGE FISHER, *Secretary.*

Filed in office March 6, 1855.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, p. 523.

GEORGE FISHER, *Secretary.*

Deposition of C. V. Stewart.

UNITED STATES LAND COMMISSION,
San Francisco, March 6, 1855.

On this day day, before commissioners sitting as a board, came Charles V. Stewart, a witness on behalf of the United States in case No. 81, in which case James R. Bolton is claimant, who was sworn upon the voir dire, and examined as to the fact of his being interested in this cause, as follows:

Questions by counsel for claimant:

Question 1. Are you acquainted with the claimant, James R. Bolton, in this case?

Answer. I am.

Question 2. Are you acquainted with the land claimed in this case?

Answer. I am not fully acquainted with it.

Question 3. Are you acquainted with the location of the Mission Dolores?

Answer. I am.

Question 4. Do you reside in or near said Mission Dolores; if yea, state your precise locality of residence?

Answer. I reside on Center street, between said mission and Howard Amity east, and in front of the mission buildings, about 700 varas from my line to said buildings.

Question 5. Do you claim any land there; if yea, what quantity, and under what title do you claim it?

Answer. I claim there, immediately where I reside, about 10 acres of land, including the swamp lands. I received a title, in 1849, from the prefect, sub-prefect and acting justice of the peace of the mission, that is the title under which I claim.

Question 6. Are said 10 acres of land the only lands you claim that are known as the mission lands of Dolores?

Answer. I claim other lands which are in the neighborhood of said mission, and which I believe were originally claimed as belonging to the mission lands of said mission.

Question 7. What quantity, besides the said 10 acres, do you so claim; under what title do you claim them, and where is it located?

Answer. In all from 120 to 140 acres of said lands I claim; and I claim under the same title I before cited, together with a *Peter Smith title*, from 6 to 9 acres in Mission bay, bounded on the west partly by Fulsom street, east by Mission creek, north by said lands and fence of John Kisling, south by lands of Robert G. Perkins, being swamp lands. I claim between 45 and 50 acres of land east of Mission creek, on what is called the Potrero, under a title from Isaac N. Thorn, who purchased under a sheriff's sale, in case of Jesse Carr *vs.* City of San Francisco, in 1851; my claim to that is an undivided interest. I also own upwards of seventy acres, containing about 1½ miles, south of the mission, at a place called the Rock House, between the old San José road and the new road; my interest there is an undivided half of 144 acres, more or less. The title under which I claim is a deed from Robert T. Ridley, made in the spring of 1851.

I claim also the Mission buildings, known as the Mansion House, and the west part, a large building west, being about 150 by 200 feet; titles from Isaac N. Thorn and Adam Johnston; that is all I now think of.

Question 8. Are there any part of the lands you have described embraced within the claim of James R. Bolton in this case, as you understand it?

Answer. None of them do, so far as my knowledge extends; I have been told by George W. Wright that my house and lot, the first ten acres I described, lie within a claim called the Abel Stearns' claim before this commission.

Question 9. Have you aided the government of the United States either by contributions in money to fee counsel, or have you aided in procuring witnesses for the purpose of defeating this claim; if yea, state what motives you had in view?

Answer. I have not contributed money, nor procured witnesses, nor aided the government in any way to defeat this claim, unless my presence here as a witness is rendering aid; I have not directly employed counsel to defeat the claim.

Question 10. Have you indirectly or otherwise employed counsel to defeat this claim?

Answer. Not by any written agreement; I have said to one counsel that if he made an argument in this case I would be responsible for a fee to him of two hundred dollars. The counsel is Henry S. Brown, esq.

Question 11. Have you ever agreed to pay any other counsel, or advised with any other counsel, for the defeat of this claim, or with the United States law agent.

(Question 11 objected to by United States law agent, and witness directed to answer by the board.)

Answer. I have not to my knowledge done any of these things.

Question 12. What motive had you in employing Mr. Brown to make a speech against this claim to-day?

Answer. I understood some two or three days ago that all the counsel employed to defeat this case had dropped it when Thomas Hays compromised his opposition to the claim, and ceased to oppose it; my duty to my neighbors and myself prompted me to have Mr. Brown retained in the case, instead of going out of it with the other lawyers.

Question 13. What is the nature of that duty which you say you owed to yourself?

Answer. It was a desire to see justice prevail in our courts?

Question 14. Was it entirely disinterested on your part?

Answer. Yes; entirely so.

Question 15. Have you any interest directly or indirectly in the event of this claim.

Answer. I have not to my knowledge.

Question 16. Have you ever sold to Winn and Bowman, or either of them, any part of these lands; if yea, does the condition on which you are to make them a title and to receive your purchase money, or any part thereof, depend in any way upon the confirmation or rejection of this claim

Answer. I never sold to Winn or Bowman, nor either of them, nor to any one else, any part of those lands, and have no such interest depending upon this suit as suggested in the interrogatory.

Question 17. Have you ever attended any public meeting at the Mission Dolores, or at any other place, the object of which was to concert measures for the purpose of defeating this claim?

Answer. Yes; I have on one occasion.

Question 18. If you had no interest directly or indirectly in the result of this claim, what object had you in attending that meeting and in concerting measures to defeat it?

Answer. About six months ago, or less, I was riding out of this city with a gentleman who requested me to accompany him to Mr. McLaren's before we went home—there was where they had a meeting—which I did; I remained there a few moments, and then went home.

Question 19. At what time did you propose to make a witness of yourself in this case?

Answer. Within the last three or four months the law agent, as well as Mr. Brown, has said that he intended to subpœna me in this case, and yesterday I was subpœnaed.

Question 20. Was you subpœnaed at your own request?

Answer. I did not go to the law agent and request him to subpœna me.

Question 21. Did you request that you should be be subpœnaed in this case?

Answer. In my conversation with the law agent he asked me if I would consent to go into the stand as a witness; I told him I would if he would subpœna me, but not without.

The counsel for the claimant objects to the introduction of the witness in the case, on the ground of his interest in the lands in question, as the former questions and answers, and the records in this case go to establish the fact of his interest in the lands claimed.

The witness was then put upon his examination in chief in the case, under the direction of the board.

Question 1. What is your name, age, and residence?

Answer. My name is Charles V. Stuart; my age thirty-five years; my residence at the Mission Dolores, in San Francisco county, California.

Question 2. Are you acquainted with José Prudencio Santillan, the original claimant in this case; if yea, state when and where you became acquainted with him, and what was the character of that acquaintance?

Answer. I was acquainted with him; I became so in the latter part of November or early in December, 1849, at the Mission Dolores, and I was intimately acquainted with him till he left the country, which I think was in May or June, 1850.

Question 3. Did you in December, 1849, have any conversation with said Santillan in regard to his claim to the lands, or any part thereof, now claimed in this case; if yea, state when, where, in whose presence said conversation took place, what led to it, and what was the substance of it?

Question 3 objected to by claimant's counsel.

Answer. I had a conversation with him in December, 1849; my first conversation with him was in his own room, next to the church in the Mission Dolores; Robert T. Ridley was present; I do not recollect any other; the substance of that conversation was respecting the rights of the Mission to the property, as there was then squatting going on, and I wished to purchase some of the lands; he told me he could show me lands about there which would not interfere with the Mission, if I desired to take them up.

He and said Ridley and myself walked east of the Mission buildings, some distance below Ludesdorff's or Fremont's fence, through the brush in which he pointed out the lands, extending from there to the bay, and told me I could take any of those lands without interfering with any person.

Question 4. State what relation said Ridley bore to said Santillan; whether he was the agent of the padre acting as interpreter?

Answer. He was the interpreter; I do not know whether he was his agent or not.

Question 5. Did you ever have a conversation with James R. Bolton, the claimant in this case, and with said Santillan and Dr. Poli, in reference to the claim of Santillan to lands at and near the Mission Dolores; if yea, state when, where, and what was the substance of it; state also whether said Poli was acting as the agent and interpreter of Santillan, and whether he ever told you when and where said grant was made?

Question 5 objected to by claimant's counsel.

Answer. In the spring of 1850; April I think; Santillan, said Poli and James R. Bolton rode down together to the house where I lived with Mr. Thorn and Mr. Sutton.

De Poli introduced Bolton to me as one of my own countrymen, as near as I can recollect his language, and stated that said Bolton had come there expressly to see and converse with me relative to the padre's grant.

Mr. Bolton and myself walked off some distance together and entered into conversation respecting the validity of this grant, and the purchase he was then about to make.

Bolton proposed to me to take an interest in the grant, which he could purchase for a few thousand dollars, he furnishing means, and I acting with the squatters to persuade them to take his lease, and arrange with such as he thought were bonâ fide settlers.

After other conversation to the same point, I told him I would see him again about his proposition; a few days after I met Dr. Poli, whom I had told that I did not feel warranted in entering into the proposed arrangement.

Poli told me that Bolton had purchased the grant of the padre since I had seen him, or that Santillan had sold to Bolton. That is about the substance of what passed between us.

Cross-examined by claimant's counsel.

Question 1. What lands do you mean by this claim, referred to in question 3 in chief herein.

Answer. When I spoke of the conversation I had with the padre in December, 1349, I intended to be understood as conversing with him about the lands immediately around the Mission, and near the Mission buildings which belonged to said mission.

Question 2. Were the lands described by you in your answer to question 3 in chief of the said lands in regard to which you and Bolton had the conversation which you mention in your answer to question 5 in chief, and are they the same lands which you have stated were sold by Santillan to Bolton?

Answer. My first conversation, in 1849, with the padre was respecting the lands round the Mission, and my conversation with Bolton was respecting lands scattered round to within a mile from the Mission buildings; they were the lands which Mr. Bolton

represented as being covered by this grant, being two or three sitios, more or less.

Question 3. What lands did you understand were covered by the grant which Bolton proposed to buy from Santillan?

Answer. All the vacant spots from the southern line of the town of San Francisco to Sanchez rancho on the south, the bay on the east, and the ocean on the west. I mean by vacant spots all the lands within these boundaries which were not under some Spanish or Mexican grant adverse to Santillan, which I think he said amounted to three leagues or three sitios.

Question 4. Are the lands, or any part thereof, which you have stated in your examination, in your voir dire, are now claimed by you included within said boundaries?

Answer. All the lands I have described as belonging to me are in the city of San Francisco, excepting the piece in the Potrero, which is outside, and my part in the Ridley ranch, which is also outside.

Question 5. What do you mean by the southern line of the city of San Francisco?

Answer. I mean the line fixed by legislative enactment in 1850. I know no other.

Question 6. Describe the precise location of the lands claimed by you, and the distance of the same from the establishment of the Mission Dolores or the church of said Mission.

Answer. The ten acres where I live is about 600 or 700 varas east from said church; the lands on the swamp, from 6 to 9 acres east of Folsom street, is from 1,200 to 1,500 varas in an easterly direction from said church; the lands on the Potrero, commencing at the channel of Mission creek, adjoins on the last track, is about the same distance from the church.

Question 7. Where did the southern line of the city of San Francisco, by legislative enactment, or the charter line, run at the time the said boundary of the grant was mentioned to you by Bolton, and did said line then include your present place of residence?

Answer. The charter line of 1850 crossed Mission street about 20 feet south of the crossing of Corbit street, and recrossed it about 20 feet north of my last fence of the ten acres, leaving my residence and five or six acres of my said land within the city limits, and three or four acres outside, in the swamp.

Question 8, How much other lands had you that were left outside of that line.

Answer. I had an intrerest of about four acres in the swamp, which I then held, in common with Thorn and Senter, in a larger tract; but my part, which amounts to four acres, about, has since been set apart to me, and I own it alone.

This part, which I have described as being outside of the city charter line, lies between said line and the north line of the Sanchez ranch, of which I have spoken.

Question 9. Do you not now claim lands covered by this grant according to the boundary which you have described, and the title to which will be effected by a decree of confirmation?

Answer. If the State of California does not own the water front on the bay I may claim some which may be affected by it; but if the State does own said water front, then my claim belongs to the State.

Question 10. Is Robert T. Ridley, who was present at your conversation with Santillan, living or dead?

Answer. He is dead.

Question 11. At the time you talked with Bolton, Poli, and Santillan, did you speak or understand Spanish?

Answer. I did not speak any, and understood a little.

Question 12. Had you ever any conversation in regard to this matter with Santillan personally, without the aid of an interpreter; this matter about the Mission lands?

Answer. I cannot say that I had; my knowledge of the Spanish was imperfect.

I used to talk with him socially in an imperfect way.

Question 13. Are you sure this conversation with Santillan, which you speak of first, in which Ridley interpreted for you, was in the month of December, 1849?

Answer. Yes, I am sure.

Question 14. Does the part between Frenout's enclosure, as described by you, and the bay include any part of the lands claimed by you at this time.

Answer. Some of the lands. I claim part of my land where I live, and some of my swamp lands lie east of that fence, and between it and the bay.

Question 15. Have you sold any of said lands, or agreed to sell any of them? If yea, to whom?

Answer. I have traded a lot on the corner of Folsom and Centre streets for lands in my locations of the swamp lands, near Mr. Kisling's, for which Mr. Surtro, with whom I made this trade, paid me some money as boot money.

This is all I have parted with; I have a lease with Mr. Winn and Bowman, in which they have the privilege of purchasing at the end of three years, or renewing the lease two years beyond that.

Question 16. Does this agreement with Winn and Bowman have any bearing in any way on the confirmation or rejection of this claim?

Answer. It has no bearing, direct or indirect, upon it in any way. The Bolton claim is not mentioned in it.

Question 17. Have you not agreed to make them a good title if they purchase?

Answer. I have agreed to give them my own title, which is deemed good, and have not agreed to convey any other title.

Re-examined by United States Law Agent:

Question 1. Are you acquainted with the handwriting of said Santillan, and with his signature? If yea, look at the paper now

shown to you, marked A, P, L, as an exhibit to this deposition, and state whether the name thereto signed is his genuine signature of said Santillan.

(Question 1 objected to as new matter by counsel for claimant, and there are subscribing witnesses to the document.)

Answer. I have seen the padre write, and I should judge this to be his genuine signature.

CHARLES V. STUART.

Subscribed and sworn to before the commissioners sitting as a board, this 6th day of March, A. D. 1855.

Attest:

GEORGE FISHER, *Secretary.*

Filed in office March 7, 1855.

GEORGE FISHER, *Secretary.*

Recorded in Ev. B., vol. 11, page 524.

GEORGE FISHER, *Secretary.*

Deposition of A. Bujan.

UNITED STATES LAND COMMISSION,
San Francisco, March 7, 1855.

On this day, before the commissioners sitting as a board, came Antonio Bujan, a witness on behalf of the United States in case No. 81, wherein James R. Bolton is claimant; who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter of the board:

Questions by the United States law agent:

Question 1. What is your name, age, and residence?

Answer. My name is Antonio Bujan; my age thirty-five years; my residence at the Potrero of the Mission Dolores, San Francisco county, California.

Question 2. Are you acquainted with José Prudencio Santillan, the original claimant in this case; if yea, how long have you known him, and what has been the character of your acquaintance with him?

Answer. I am acquainted with him; I knew him from 1845 or 1846 till he left here; my acquaintance with him was one of intimate friendship, so much so that I gave him one of my sons to take with him to Mexico.

Question 3. Had you a conversation with said Santillan in the spring of 1850 in relation to his claim to mission lands? if yea, state when, where, and the substance of that conversation.

Answer. In the month of March, 1850, Padre Santillan called at my house at the pueblo of San José, and told me he had come from below, and then communicated to me that he was going to Mexico.

I asked him when; he replied as soon as he could; I asked him how soon that would be; he replied when I sell my rancho; I was surprised by this expression, for I did not know he had a rancho,

and I asked him what rancho he had; he answered "it is the Mission Dolores."

I told him I never knew the said mission had been granted by the government to any person; I asked him why this had not been known before; he replied that he had made application for the title, and had not succeeded in obtaining it.

Because that Pio Pico refused it to him upon the ground that he, the padre, had not the means of purchasing it from the government. The padre told me that a law had been passed for the sale of sundry missions, and among them this Mission of Dolores.

I asked him then if he had at last obtained the title; he replied that he understood the title was below, and that he found it among the archives, from where he brought it. I told the padre that this would come out some time or other; he said there was nothing to fear for that, that he would arrange it; that if a Moor had to have the benefit it were better that a Christian enjoy it. This is about the substance of the conversation that passed between us upon this subject. The padre declined to answer any more questions upon the matter, and we changed our conversation.

Question 4. Were did the padre say he had gotten this title?

(Objected to by claimant's counsel as leading.)

Answer. The padre told me that he had understood the title was below, and that he went to get it.

Cross-examined by Judge Campbell, attorney for claimant.

Question 1. What is your occupation and business at this time?

Answer. I am engaged in making brick at the Potrero, and have been for the last two or three years.

Question 2. Are you acquainted with the lands claimed in this case?

Answer. I do not know exactly what lands they are.

Question. 3. Are you acquainted with the lands bounded on the south by the Buri Buri Ranch, on the west by the sea, on the northwest and north by lands of the Presidio and Yerba Buena, and on the east by the bay?

Answer. I am acquainted with the said lands, but I do not know that I know any particular boundary.

Question 4. How far is it from the Catholic church in the Mission Dolores to the northern boundary of the Rancho Buri Buri?

Answer. I cannot say how far it is exactly, but I think it is about twenty-one miles or seven leagues.

Question 5. How do you know that it is twenty-one miles from the said church to the said boundary of the rancho Buri Buri?

(Question 5 objected to by Mr. Brown.)

Answer. I suppose it may be that far.

Question 6. How far is it from the said church to the northern

boundary of the ranch of José de la Cruz Sanchez or the Sanchez rancho, as it is called?

Answer. I do not know but one Rancho de los Sanchez, which belongs to a great many heirs, which, as I have before stated, I suppose to be about twenty-one miles.

Question 7. Do you claim to own any tract of land located at or near the Mission Dolores; if yea, state the quantity and its distance from the said church?

Answer. I am the owner of a piece of land in the Potrero of about seven or eight acres, a part of which is overflowed at high tide. It is about the distance of seven blocks from the said church.

Question 8. Under what title do you hold said land?

Answer. I hold under a pre-emption right.

Question 9. Have you ever proved any pre-emption right, or what do you mean by pre-emption right?

Answer. I mean by pre-emption right that all Americans have to lands belonging to the government.

Question 10. Who was present when you had the conversation with Padre Santillan to which you have already replied in regard to his title?

Answer. My wife and a man by the name of Mr. Castello were present, very well known by the nick name Garlick Hulime; that said Garlick is in the mines, but he may be at San José. My wife is living.

ANTONIO BUJAN.

Subscribed and sworn to before the commissioners sitting as a a board this 8th day of March, A. D. 1855.

Attest: GEORGE FISHER, *Secretary.*

Filed in office March 8, 1855.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, page 546.

GEORGE FISHER, *Secretary.*

Deposition of M. T. O'Connor.

UNITED STATES LAND COMMISSION,
San Francisco, March 7, 1855.

On this day, before the commissioners, sitting as a board, came Michael T. O'Connor, a witness on behalf of the United States, in case number 81, wherein James R. Bolton is claimant, who, after being duly sworn, deposed as follows:

Questions by United States law agent:

Question 1. What is your name, age, and residence?

Answer. Michael Thomas O'Connor; my age, thirty-five years; my residence, at the Mission Dolores, California.

Question 2. Are you acquainted with José Prudencio Santillan, the original claimant in this case, and with the land claimed herein; if yea, when did you become acquainted with them, and what was the character of your acquaintance with said Santillan?

Answer. I am acquainted with said Santillan; I do not know the boundaries of this claim, but I know all the lands about that section of country; said Santillan appointed me his agent, in the fall of 1849, to attend to his business; I was intimately acquainted with him.

Question 3. Look at the document now shown to you, marked A, PL, as an exhibit to this deposition, and state whether you are the person named therein upon whom the powers mentioned in the instrument are conferred; if yea, state what led to the making of the instrument, and how long you acted under it?

Answer. This is a certified copy from the recorder's office of the original power of attorney given to me by Padre Santillan. The original was in my possession till about three months ago or more, then one Púrser Welsh came and requested me to let him see it. I delivered it to him, and when I afterwards asked him for it, he told me he had handed it to Mr. George W. Wright. I went with Welsh to said Wright to get it. Mr. Wright searched for it through many boxes, but did not find it.

I procured this certified copy from the recorder's office; I am the same person named in said instrument as the attorney upon whom the powers therein mentioned were conferred; Santillan came to me with two other clergymen to get me to go to the mission and search the papers there for those pertaining to the title of the church to the mission lands.

I went on their request. The padre then produced a large quantity of papers and books for me to search. I told them, as I knew but little of the Spanish language, I would need some person for an interpreter to read each paper to me, that I might know what they are.

Padre Santillan then got Robert Ridley to interpret for me; I wished to take the papers to my office, but Padre Santillan would not allow them to be removed out of his presence.

I came in the mornings and evenings, as my business would allow, and he used to produce the papers bundle by bundle to be examined; Ridley would take a paper and open it and read it to me, and tell me what it contained; when Ridley would read enough of a document for me to discover that it had nothing to do with the subject we were searching for, I would tell it was enough, and he would place it on the table; the padre would then fold it up and put it away. I continued this search for about two weeks, till we had examined all the papers and books which were placed before us by the padre; one of the clergymen

went away, and one named Brouillet remained during the examination; he spoke French, Spanish, and English; and when the last books were presented for examination, Santillan wished to dispense with Ridley as an interpreter, and leave Brouillet and myself alone to make the search.

At that conversation the Padre Santillan said that at that time of the confiscation of the missions, there was an exception made in favor of this mission, as he had always understood; and that it was recorded in one of those books.

He seemed a good deal annoyed that we did not find it in the books, and said he thought it must be in the books at Monterey. Brouillet said it was not at Monterey, for he had been there and searched, and there was no such grant there.

I then considered all I had to do was done and I left. A few days afterwards, Santillan came to my office with Mr. Soleno, the merchant, and Mr. Brouillet, and stated that they wished me and Mr. Soleno, in conjunction, to receive a power of attorney from Padre Santillan to lease out the lands in behalf of the church. I consented to do so, and at their instance drew up the power of attorney, of which this is a certified copy. I think I acted under said power somewhere about a month or six weeks.

(So much of this answer as relates to the statements of Santillan objected to by claimant's counsel.)

Question 4. Look at the document now shown to you, and marked B, PL, as an exhibit to this deposition, and state what you know of the making of said instrument.

(Question 4 objected to on the ground that subscribing witnesses appear on the instrument, and their absence not accounted for.)

Answer. I was present when said instrument was made, and saw it executed by Santillan at the time it bears date, and saw J. B. Brouillet and Joseph T. Smith sign it as witnesses.

Question 5. While you were acting as the agent of said Santillan, did he ever inform you of the character of his claim to the mission property at Dolores, and what right he had to exercise jurisdiction over the land in the vicinity of the mission buildings; if yea, what title did he set up, and what were his rights as he then claimed them?

(Question 5 objected to by claimant's counsel.)

Answer. He claimed the property for the benefit of the church, as pastor of the church, and told me so to make his leases, for the benefit of the church; and I made all his leases in that way. The rents to be payable to him and his successors as pastors of the church.

Question 6. Did said Santillan ever try to induce you to make a grant to the lands of the Mission Dolores; if yea, when, where, under what circumstances, and with what results?

(Question 6 objected to as leading by claimant's counsel.)

Answer. Santillan was very needy and pressing me to get money for him, and I told him I could not rent the land because he would not give long enough leases; he would only allow me to rent it from year to year, and I told him I could not sell it because he had no title. He stated that the governor had promised him a title, and he wished me to make out the papers, so that he might take them to the governor and get him to sign them.

I told him that the governor had no right to make him a title; that the President of the United States could not; that there was a separate department relating to lands, through which alone a title could come.

He said he knew the governor could make it. He grew angry with me, and said, what is the use of my having an agent who will not do what I wish.

I told him I would not stultify myself by writing such a paper; that his business was nothing but a trouble to me, and that I did not covet his agency any longer. He revoked my power of attorney about three days after that. This all occurred from a month to six weeks after the power of attorney was given.

Question 7. How long after said revocation before Santillan went south with Dr. Poli. How long were they absent; how long after their return before you ascertained that Santillan had a grant to the Mission lands, and how did you learn that he claimed the land by grant in his own right. State herein all you know which induced in you the belief that the grant was simulated?

Question 7 objected to by claimant's counsel.

Answer. I think he went south about November, 1849, probably some two or three weeks after the said revocation. On the night before new year's day of 1850, I was at Chirio Rodriguez, on the San Francisquito, and Padre Santillan and Dr. Poli arrived there with some Spaniards and Indians. That night I was sitting in the outer room, and Padre Santillan, when he came in, passed through into the inner room to change his clothes, and there entered into conversation with said Rodriguez, telling where he had been and talking about his journey.

He had a kind of wallet tied up in his handkerchief; he took the handkerchief off of it, and it was wet. It was raining very fast when he arrived. He opened the wallet and took some paper out of it, and expressed his satisfaction that it was dry, and said to Rodriguez, "Now I have got the paper."

He said he had been to the governor, and that the Americans could not rob the church any longer. He opened the paper and held it in his hand, and showed Rodriguez the outside of it, and said he had been to the lower country after it, and continued to talk about it.

The first I knew of Santillan claiming to have a grant to the Mission lands of Dolores was in October, 1850.

When I returned from a visit to the States, where I saw a printed

circular which mentioned such a grant, I did not know that night at Rodriguez what paper or grant Santillan had.

Question 8. State where the subscribing witnesses to the lease, B, PL, herein exhibited to you, are, to wit, J. B. A. Brouillet and Joseph F. Smith?

Answer. Brouillet, when he left here, told me he was going to Mexico, to see if he could get up some papers there from the archives for the title of the church to the property. Smith was a teamster for Mr. Solino, and went to the States in 1851. That is the last I have ever seen or known of them.

Question 9. Did G. W. Wright acknowledge himself the agent of the claimants in this case, and that he did have the original of the letter of authority mentioned in question 3?

Question 9 objected to by claimant's counsel.

Answer. He did represent himself as their managing agent, to manage this claim here; he acknowledged to Mr. Welsh that the original paper had been there; that Mr. Welsh had had it there, but said he did not know whether he kept it or gave it back to Welsh; he then searched for it but did not find it.

Cross-examined by claimant's counsel:

Question 1. Are you accquainted with the lands embraced in the following boundary: on the north by Yerba Buena and lands of the Presidio, on the west by the sea, on the south by the lands of the Sanchez, part of which is known as the Buri Buri rancho, and on the east by the bay?

Question 1 objected to by law agent.

Answer. Yes, I know all those lands.

Question 2. Do you reside within those boundaries?

Answer. I reside within the corporate limits of the city of San Francisco, on Centre street; I do not know the exact lines of any of the boundaries named.

Question 3. You have stated that you are acquainted with the lands embraced within the boundaries described in the first interrogatory, you will now state whether you reside on any part of said lands, and whether you claim to own any part of said lands?

Answer. I do not know, of my own knowledge, where the line is divides Yerba Buena from those lands; I reside on Centre street at the Mission Dolores within the corporate limits of the city of San Francisco, and I do not claim or own any lands within the boundaries described in said interrogatory.

Question 4. If you did not know where the line of the Presidio lands and of Yerba Buena were understood to run, why did you state that you were acquainted with the lands embraced within the boundaries as described in the first question?

Answer. I know the Presidio, the Yerba Buena, the bay, the Sanchez ranch, and the sea-shore; and I know all the lands beteen them; I did not say I knew their exact boundaries, but I

stated that I knew the lands between them, which is true, though I do no know the exact boundaries.

Question 5. So you, then, reside between those boundaries?

Answer. I do not know where the boundaries are.

Question 6. Can you state that you are acquainted with any lands located within given boundaries without knowing anything of the location of such boundaries?

Answer. That question must be answered as I before answered, that, with the ocean, the bay, Yerba Buena, Sanchez rancho, and the Presidio, for objects of boundary, I say I know all the country or ground lying between them, and still cannot say I know the exact lines of these boundaries.

Question 7. Do you not know that you live in those boundaries?

Answer. I do not, for I do not know where the Yerba Buena line is of my own knowledge.

Question 8. When you first heard of the Santillan grant, where were the reputed southern lines of the Presidio and Yerba Buena?

Answer. When I first heard of it, I saw the printed document of which I have spoken. I think that mentioned the unoccupied lands of the mission, without giving any boundaries that I now recollect of. I never knew of any lines of boundary by repute.

Question 9. How far is your place of residence from the Catholic church of the Mission Dolores?

Answer. About 250 yards in an easterly direction.

Question 10. How much land do you occupy there?

Answer. I personally occupy none.

Question 11. Do you personally live in a house?

Answer. I do.

Question 12. Where is that house?

Answer. On Centre street, in block 39.

Question 13. What is the extent of the premises on which that house stands, and if there are any enclosures, how much land do they embrace?

Answer. The house stands upon a lot about 50 varas square, enclosed by a fence.

Question 14. Who owns that lot?

Answer. Maria O'Connor does, my wife.

Question 15. From whom does she derive title to said lot?

Answer. She has a variety of titles. She had a city tax title from the city of San Francisco, a deed from the sheriff; she has a certificate of a sale, for State and county taxes, for half the block 39. Her city tax title covers the whole block. She has a deed of gift from Thomas Hays, who had the original squatter's title. I do not now recollect of any others.

Question 16. How much did she pay for the first tax title?

Answer. I do not know. She bought of the person who bought at the tax sale, and paid some bonus over the amount of taxes and costs.

I will state that my wife is a sole trader, under the statute of this State, and does business on her own account.

Question 17. Who furnished her the purchase money for this tax title? Did you purchase any part of it?

Answer. She furnished it herself. I did not furnish a cent of it.

Question 18. Do you furnish her money for any purpose?

Answer. I do not; she furnishes me considerable. When I was beggared through Santillan, I built a house on the land I leased from him, which cost me about four thousand dollars, and when I returned from a visit to the States, I found a judgment against me in favor of Charles Brown, for the land I built on, and costs to the amount of $1,500 or $1,600, and I had to pay over $1,000 to attorneys who attended it for me in my absence, and I was then without a house, and turned out of doors.

On that trial I brought Santillan up to prove my title, and wished him to show his title; and he swore on the trial that he had no title, that he only claimed the land as pastor of the church, and had no right to sell it; and under a decision of the supreme court I lost my property.

Question 19. You do not, then, entertain very friendly feelings towards Santillan?

Answer. I do not.

Question 20. When was that lease entered into?

Answer. It is the same lease B, PL, exhibited herein; I think it is September 12, 1849.

Question 21. In what court did the trial take place in which you have stated Santillan swore that he had no title to this land, except as curate of the church?

Answer. The trial took place first before Judge Almon, judge of first instance. The court appointed Mr. Tracy to take the depositions in the case, and it was in a deposition taken by Mr. Tracy that Santillan swore this.

I saw that deposition not long since on file in the 4th district court. The suit was subsequently removed into the 4th district court, and it was there that the final adjudication took place.

Question 22. State whether the statement of Santillan, to which you have referred, is contained in that deposition given by him before Mr. Tracy at the time alluded to.

Answer. At the time his said deposition was taken I was present, and took a copy as he went along. Tracy wrote the deposition which found its way to the files of the 4th district court. I was called on some time ago, by Mr. Hays, for the deposition; I took my copy there and compared it with the one on file in Tracy's handwriting, and found it to be a correct and exact copy. Mr. Hays told me it was never on file subsequent to that time, and I went to look for it and it was gone. Mr. Tracy abstracted it from the files of the court, and it was gone for a long time. I have not seen it since it was returned to the files, if it is there; what San-

tillan said was this: Upon being asked what was the character of his title to said lands, he answered:

"By virtue of my office as curate of the Mission Dolores.

"JOSÉ PRUDENCIO SANTILLAN."

I think these are very nearly the words.

Question 23. Was not the question propounded to Santillan on that occasion couched in the following words:

"In what capacity did you lease the lands to Salmon and O'Conner;" and was not the answer in the following words:

"According to my own rights as curator of this mission.

"JOSÉ PRUDENCIO SANTILLAN."

Answer. These may have been the words, but I understood them to mean the same thing.

Question 24. Is it from the language employed by Santillan in his said answer that you have sworn that on that occasion that Santillan swore he had no title to the lands in himself, but held them only as curate of the church?

Answer. From his language then, and his manner of expressing himself at the time, and from the decision of the supreme court, before whom Mr. Tracy had the deposition upon which they decided that as curate of the Mission he had no right.

Question 25. Was that deposition taken by Commissioner Tracy ever read to Santillan after it was written? Did he ever sign it or swear to it?

Answer. He was sworn when they commenced taking the deposition, and as each question was written in English it was interpreted to Santillan by the interpreter, and his answer given and written down; and towards the end of it Santillan got in a huff, set the commissioner's court at defiance, and left the room. The lawyers then agreed that the deposition should be read in evidence in the suit without sending an attachment for Santillan.

Question 26. Look at the signature of said Santillan in exhibit B, PL, herein, and state whether it is in the handwriting of said Santillan, and state whether that is the usual and customary style of his signing his name?

Answer. Yes, it is in his handwriting; I saw him write it; it is pretty much in his usual style; I have seen his name written heavier, but the letters and the flourish under the name are much in his usual style of signing his name.

Question 27. With the exception of having seen his signature written heavier, did you ever see it written in any other way?

Answer. This is his usual mode of writing it when he sat down calmly to sign a paper; he may sometimes have written crooked or more cramped if he had not room; but this is his signature; and this paper, I think, was made an exhibit in the deposition of Santillan, before spoken of, and I think he then swore that he signed this lease; I see it is marked exhibit A.

Question 28. Did Santillan always, when he signed his name in your presence, write it José Prudencio Santillan?

Answer. I think he did.

Question 29. Who was present when you wrote the power of attorney herein exhibited?

Answer. Mr. Soleno, Brouillet and Santillan; it was at Mr. Soleno's office; they all stayed there while I wrote it.

Question 30. Who interpreted the power of attorney to Santillan?

Answer. Brouillet did.

Question 31. Who signed it?

Answer. Santillan himself; we went before Mr. Geary; he was the magistrate before whom Santillan acknowledged it, and then he had it recorded.

Question 32. How did he sign his name on that occasion?

Question 32 objected to by law agent.

Answer. I do not know how he wrote it.

Question 33. Did he write it José Prudencio Santillan?

Answer. I do not know; I know he signed it, went before the proper officer and acknowledged it, and then had it recorded.

Question 34. Look at the signature to the copy of that power of attorney now shown to you, and heretofore exhibited as A, PL, herein, and state whether his name was written on the original as it is written here.

Answer. I think it was not; I think on the original the whole name was written, José Prudencio Santillan, as it is in the lease.

Question 35. In regard then to the signature said document is not a true copy of the original?

Answer. So far as I know of it, I think his name was signed the other way; I would not be positive; but when Mr. Welsh asked me for it, I read it and handed it to him, and he took it away.

Question 36. On what kind of paper was the original written?

Answer. We had two kinds of paper, one bluish letter paper, of small size, and the other long paper, such as the lease is written on; I do not recollect which it was on.

Question 37. Who interpreted when Santillan went to the magistrate to acknowledge it?

Answer. I think Henriquez, a clerk of Mr. Geary, did; we were all there, Brouillet, myself, Geary, Santillan, and Mr. Henriquez.

Question 38. State what was meant by the confiscation of the missions, and what was meant by the expression of the priest in that connexion when he said there was no such grant to be found on the books at Monterey.

Answer. I understood it to apply to the action of the Mexican congress in secularizing the missions, or taking the property from the church and giving it to the State.

The priest, when he spoke of there being no such grant at Monterey, I understood him to mean there was no such reservation in favor of the Mission Dolores, from the secularization, as that the Padre Santillan had spoken of as being on record in some of the books.

Question 39. You have stated that under your power of attorney you made out leases to different persons, and that you made the rents payable to Santillan, as pastor, you will now please state what you leased, and to whom?

Answer. I leased one lot to Mr. John Ellis, of this city; that was the adobe enclosure in front of the church; I leased to one Sanders another lot, enclosed in adobe wall, and to the south and a little west of the church;

One to Robert Ridley, of a tract 400 varas long and 300 varas wide, and turning in an ell 400 varas long and 300 varas wide; no enclosure round it; about 300 yards east of the church, running down east; I leased the warehouse and back buildings of the church to some Germans named Wetzelspur, who were weavers; there was a Spanish widow, whose name I have forgotten, who had a lease for one of the adobe buildings; I think I drew a lease for an old man by the name of Herman, but when I went to him he refused to take it; that is all I now recollect.

Question 40. State the time when Santillan wished you to make out a title?

Answer. I think it was three or four days before the great bull fights of St. Francis' day, which was sometime in October.

Question 41. Who was the acting governor of California at that time?

Answer. I think it was Governor Riley, I am not positive.

Question 42. Did he (Santillan) think Governor Riley could make him a title to the land?

Answer. I thought that was what he meant when he said he would go to the governor and get him to sign it.

Question 43. Who acted as interpreter on that occasion between you and Santillan?

Answer. Brouillet did.

Question 44. State the time when you met Santillan at the house of Rodriguez?

Answer. It was either the day or two before new year's day of 1850.

Question 45. Have you ever read the deposition of Rodriguez, on file in this case?

Answer. I have not.

Question 46. Did you ever speak with any one on the subject of that deposition?

Answer. I told Mr. Hays once of the fact of my being at Rodriguez on that occasion, and told him I thought he had better

send for him as a witness. I have never spoken of it since to any one.

Question 47. In what language did Santillan and Rodriguez converse on that occasion?

Answer. In Spanish.

Question 48. Who interpreted for you then?

Answer. Michael Foley did.

Question 49. Did you ask Mr. Foley to interpret for you the conversation going on in another room, between Santillan and Rodriguez?

Answer. I did; I could almost interpret it myself.

Question 50. Why did you feel so much interest in the conversation between Santillan and Rodriguez on that occasion?

Answer. Before the padre and his company arrived, I was sitting by the fire; when the horses came up Foley went to the door and looked out and told me Padre Santillan and the tall man, his agent, were there, and we had better be leaving.

I was not on friendly terms with the padre, and was apprehensive that he might induce the people there to do me some harm.

I took a seat with Foley near the opposite doorway between the two rooms, and I listened very carefully to everything the padre said, as I felt unsafe.

Question 51. How many people were in the house when the padre and his company came?

Answer. There were two men and two or three women, and several children when they came, and when the conversation occurred there was in the room with Santillan Antonio Rodriguez and his wife; Poli came in and handed something to the priest and went out again.

Question 52. Was there a fire in the room the priest was in?

Answer. They moved the fire in there; it was a portable sort of fireplace.

Question 53. Was the priest well acquainted with you?

Answer. Yes; I have known him from July; I lived near him and he was often at my house.

Question 54. I understand you to say, that you know nothing of the contents of the paper shown by Santillan to Rodriguez on that occasion, further than you have already stated in your examination in chief?

Answer. I know nothing more about it.

Question 55. How did you and Foley happen to be at Rodriguez' that night?

Answer. We were there to get some cattle in the neighborhood.

Question 56. State the quantity of land claimed by your wife in and about the Mission Dolores?

Answer. She owns the whole of block 39, except the 50 vara lot on the west corner, and about three 50 vara lots on block 40,

and that land lies upon the claim of Abel Stearns, and no portion of it upon the claim of Bolton and Barron.

Question 57. Do you know whether said Stearns' claim has been rejected before this board?

Answer. I know it has.

Question 58. Have you ever said to Mr. Holt that you knew all about this title, and would give favorable testimony if the release could be executed by the claimants to your wife for the land claimed by her.

Answer. Mr. Holt came to my house and asked me to join with him in upholding the Bolton and Barron claim; that he would make it worth from fifty to one hundred thousand dollars to me; I told him that he would have lost time of it; that he knew as well as I did that the grant was counterfeit; he then said, with my influence he could get the squatters to compromise; I had refused to have anything to do with it upon any terms; he said that Santillan had given him a valley, upon which Mr. Hays' house stands, and wished me to get Mr. Hays to go halves with him in the valley. To oblige him I went to Mr. Hays on that errand; I communicated the matter to Mr. Hays; he asked me what I thought of the title; I advised him that I believed it to be spurious; he declined to give Mr. Holt any part of the land. Mr. Wright sent for me to come to his banking house by Mr. Welsh; Mr. Welsh accompanied me and introduced me to Mr. Wright; Mr. Wright said that he had sent for me to inform me that he was the agent of the party who purchased the Bolton and Barron claim, and that as he had heard that I knew a great deal against the claim, he wished me not to take part in defeating it.

He wanted to show me that the land occupied by my wife was not within the lands claimed by the Bolton and Barron claim; that it was covered by the claim of Able Stearns, and that, if I did not throw anything in the way of their title, he would procure for my wife a deed from Able Stearns. Upon that, I gave a description of the land, which he promised to forward to Mr. Stearns, that the deed to her might be made out.

On yesterday, when I came into this court room, Mr. Tracy, one of the counsel for the claimants, asked me to go outside of the door for a moment with him. I was proceeding then for the copy of the power of attorney which was produced here to-day. Mr. Tracy wanted me not to go after it, and not to appear again in the court; that he was authorized to offer me, on behalf of my wife, a clear deed for the land she occupies, on the condition that I would go away out of the city and not appear here again. It told him: very well, bring it along, but in the meantime I would go to the mission for the power of attorney. I despatched a messenger privately for the power of attorney without his knowledge, and staid with him. I drew the deed at his request and gave it to him to to have it executed. He said the agent for the claimants, who is

duly authorized to execute deeds, was stowed way in a small room in this building for the purpose of executing deeds to the enemy; said he was posted out of the doors for the purpose of stopping me as I came in, and he wondered how I came in without his seeing me. I waited if he would send the deed back; towards evening he sent it back to me with a memorandum that it could not be executed until the agent had conferred with P. C. & Co. These are the only conversations I had in reference to giving testimony in this case, except a few moments of conversation with Mr. Wright, in which he wanted to know from me whether I ever had taken formal possession of the lands for Padre Santillan. I told him that I rode with Padre Santillan around the tract of land which he said was the mission land. I described to Mr. Wright the road which we took, on his map, on which this whole claim was laid out. He said it might be of great importance to the claimants to have that matter proved, and wished me that, if I knew of any other little facts that would add to their proofs, I would inform him. I said I would, in consideration of using his influence with Mr. Stearns to obtain his title for the land occupied by my wife. I told him, however, it would be a dangerous thing to put me on the stand after so many knowing of the facts which I could prove to their disadvantage.

Question 59. Was the deed which you wrote yesterday a deed from the claimant in this case to your wife?

Question 59 objected to as leading, by law agent.

Answer. I have the paper here; it speaks for itself, leaving the grantees blank. I did not know who was to make the deed. Tracy told me it was the same person who made the deed to Hays who was to make this to my wife. I file the paper herewith as a part of my answer, marked C, PL, as an exhibit herein.

Question 60. If that deed had been executed and delivered to you, would you have appeared here as a witness against this claim?

Answer. I would most assuredly. I had promised the officer who summoned me that I would come, and I should have fulfilled that promise so soon as I had taken the deed to be recorded.

Question 61. Have you not stated in this deposition that the consideration of that deed was that you should not appear here as a witness against this claim?

Answer. That was the proposition made to me by Tracy. I told him to hurry up with it, as the Contra Costa boat, which leaves at half past 12 o'clock, was the first leaving the city; I then handed him the deed; and shortly after that the marshal met me and told me I would be attached if I did not come as a witness; that I would have been before attached but for the courtesy which had been extended to me; I then told him I would reciprocate the courtesy, and come at 1 o'clock.

Question 62. Do you now state that it was your intention to se-

cure said deed; to place the same on record, and then appear as a witness against this claim?

Answer. I felt assured from the moment Tracy spoke to me as I now am, that there was never any intention to make the deed; that the object was to keep me away from the court in the expectancy of getting it. I sent a gentleman to wait in court with the double purpose to go for me when my name was called, and hurry Tracy up with the deed; he staid in court till the adjournment, and my name was not called. Tracy brought the deed unexecuted, and Mr. Eagan, who was the person waiting, brought it to me with the memorandum before mentioned by me.

Feeling assured, as I did, that the deed was not going to be executed, I did not trouble myself about whether I would appear or not. I was satisfied the offer of Tracy was a trap set to entice me away. If Tracy had brought a deed duly executed to my office, I think it likely I would have avoided the subpœna and got out of the way. I never wished to come here as a witness, although I have often been requested to do so by Mr. Hays; I always refused. I had no disposition to disobey the summons after it was served on me, or to place myself in an attitude of contempt before the court.

Question 63. Would the confirmation of this claim affect your interest, or the interest of your wife, directly or indirectly.

Answer. For myself I have no interest, and I think my wife has a good and sufficient title now, and that the confirmation would not affect her.

Question 64. If neither of your interests was to be affected directly or indirectly, why did you write the said deed C, PL, and desire Mr. Tracy to have the same executed immediately, in order that you might leave on the 12 o'clock boat for the purpose of getting beyond the jurisdiction of the commission?

Answer. I did not intend to leave on said boat; I had no notion of it; I did not desire Mr. Tracy to have the deed executed; it was his proposition; he came to me to have this thing done, and, as the title was to cost nothing, and was to remove a cloud, I agreed to have it.

MICH. T. O'CONNOR.

Subscribed and sworn to before the Commissioners sitting as a Board, this 7th day of March, A. D. 1855.

Attest: GEORGE FISHER, *Secretary.*

Filed in office March 8, 1855.

GEORGE FISHER, *Secretary.*

Recorded in evidence B, vol. 11, page 532.

GEORGE FISHER, *Secretary.*

Mission Dolores.—Document B, annexed to the deposition of Jose Ma. Covarrubias.

SECRETARIA DE GOBIERNO,
del Departmento de California.

Con esta fecha digo al administrador de la Mision de Dolores lo que a la letra copio :

El Exmo. Sor. Gobernador del departmento, dispone que haga V. entrega formal de todos las pertenencias de la Mision de Dolores que estem à su cargo, al parroco Presbitero D. Prudencio Santillan para que este administre las temporalidades de dicha mision al de cirlo à V. de orden de S. E. para su conocimiento en la parte que le toca le afresco las seguridades de mis consideraciones. Fho. transcribo à V. de orden del mismo Exmo. Sor. Gobernada para su intelligencia y à fin de que se sirva recibir y administrar las fincas, bienes y tienas de la Mision de Dolores que en virtud de esta orden le serem à V. entregadâs. Dios y Libertad.

CIUDAD DE LOS ANGELES, *Enero* 15 *de* 1846.

JOSÉ MA. COVARRUBIAS.

Sor. Presbitero D. PRUDENCIA SANTILLAN, *parro de Dolores.*

Recorded in record of evidence, vol. 1, page 209.

GEORGE FISHER, *Secretary.*

Filed in office May 1, 1852.

GEORGE FISHER, *Secretary.*

C.—*Translation of Document B annexed to deposition of J. M. Covarrubias.*

SECRETARY'S OFFICE OF THE GOVERNMENT OF CALIFORNIA.

I communicate this day to the administrator of the Mission of Dolores what I copy to the letter.

The most excellent the governor of the department directs you to make formal delivery of all the appurtenances of the Mission of Dolores under your charge to the curate, Don Prudencio Santillan, that he may administer the temporalities of said mission.

While I communicate the same to you for your knowledge, by order of his excellency, so far as you are concerned I tender you the assurances of my consideration, and I transcribe it to you, by order of the said most excellent, sir, the governor, for your cognizance, that you may be pleased to receive and take under your

charge the buildings, property, and lands of the Mission Dolores, which, by virtue of this order, shall be delivered to you.

God and liberty, city of Los Angeles, January 15, 1846.

JOSE MA. COVARRUBIAS.

To the presbyter, DON PRUDENCIO SANTILLAN,
Curate of Dolores.

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS.

I certify the foregoing to be a true translation from the original document marked B and annexed to the deposition of Jose Maria Covarrubias filed in this office.

SAN FRANCISCO, *July* 29, 1852.

GEORGE FISHER, *Secretary.*

Filed in office July 29, 1852.

GEORGE FISHER, *Secretary.*

A.

Doucment filed with the deposition of José Maria Covarrubias.

[SELLO.] Pio Pico primer Vocal de la Asamblea del Departamento de las Californias y encaicajado pro el ministerio de la ley del Gobierno del mismo.

Por cuanto el presbitero Dn. Prudencia Santillan ha pretendido para su benificio personal todos los tenenos caldios que se reconocen como pertenecientes á la Mision de Dolores asi como todas las casas de los Rancherias de la misma Mision que se hallan en estado de abandono; en uso de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido en conceder como por las presentes letras concedo al espresado—Presbiten Don Prudencio Santillan la propiedad de todas las casas de las Rancherias que se han reconoicido y se reconosen como de la pertenencia de la Mision de Dolores y todas las tienas baldias que se hem reconocido y se reconocen como pertenecientes á la misma Mision de Dolores, bajo las condiciones siguientes.

1a. El agraciado disfrutarà libre y escluservamente de las Casas y de las tienas que se le conceden; pero pagará como en recompensas de la concesion que se le hace todas las dendas que hasta ahora aparecen contra la Mision de Dolores.

2a. Solicitara del juez respectivo la posesion juridica en virtud de este despacho, de las tienas y casas que se le conseden, pudiendo mientras senirle como legal la que tiene de dichas fincas y tienas como encargado que es por el respectivo prelado de las Misiones del Colegio de nuestra Señora de Guadalupe de Zacatecas, de las temporalidades de dicha Mision de Dolores.

3a. El terreno de que se hace donacion es de tres citios de ganado mayor mas ó menos; el juez que diere la posesion la harà medir y fijara los linderos con las mojoneras a cotumbradas; en la intelligencia que dicho terreno colinda al Norte con Yerva Buena; al Novaeste con el presidio de Sn. Francisco, al Oeste con tienas de Don Francisco Haro, al sen con parte del Rancho de los Sanchez y al Este con la Bahia de Sn. Francisco.

4o. El agraciado y su defecto sus herederos y susesores, respetaran las propiedades que algunos individuos, obtienen con justos titulos, trernto de tienas como de Casas de Rancherias en la comprencion de lo perteneciente á la Mision de Dolores y que por este titulo se concede.

5a. En la presente consecion se eceptuan expresamente la Casa Cural y la Iglesia de Dolores como pertenecientes á la Misia de este Obispado.

En consecuencia mando que teniendose el presente titulo por forme y valedero, se tome razon de el en el libre respectivo y se entregue al interesado para su resguardo y demas fines Dado en la Ciudad de los Angeles capital de Californias en este papel comun por falta del Sello á los diez dias del mes de Febrero de mil ocho cientos cuaranta y seis.

PIO PICO,
JOSÉ MA. COVARRUBIAS, *Srio.*

Queda tomada razon de este titulo en el libro respectivo.
Angeles f ha. ut supra.

COVARRUBIAS.

Recorded in the office of the county recorder of San Francisco, in liber 1 of Spanish records, page 25, March 21, 1851, at 10 o'clock a. m.

JOHN A. McGLYNN, *County Recorder.*
By JAS. O. GRADY, *Deputy.*

Filed in office May 3, 1852.

GEO. FISHER, *Secretary.*

Document filed with the deposition of José M. Corarrubias, marked A.

GOVERNMENT OF THE DEPARTMENT OF THE CALIFORNIAS:

Pio Pico, first member of the assembly of the Department of the Californias, and commissioner by law for the administration of the government of the same:

Whereas, the priest Don Prudencio Santillan has solicited, for his personal benefit, all the vacant lands acknowledged as belonging to the Mission of Dolores, as well as all the houses pertaining

to the settlements of said mission, which might have been abandoned, by virtue of the powers conferred on me in the name of the Mexican nation, I have thought proper to grant, and by these presents I do grant, to the aforesaid priest, Don Prudencio Santillan, the ownership of all the houses pertaining to the settlements which have been and are at present acknowledged as belonging to the Mission of Dolores, and all the vacant lands which have been and are at present acknowledged as belonging to the same Mission of Dolores, and under the following conditions:

1st. The grantee shall enjoy freely and exclusively the houses and lands granted to him, but he shall pay, as a compensation for the said grant, all the debts which may appear to the present day against the Mission of Dolores.

2d. He shall petition the respective judge for the juridical possession, in virtue of this patent, of all the lands and houses granted to him; and, in the meantime, the possession which he has of said houses and lands may serve as legal in his capacity of administrator, appointed as such by the prelate of the Missions of the College of our Lady of Guadulupe of Zacatecas, for the terminal matters of the said Missions of Dolores.

3d. The land, of which donation is made, consists of three square leagues, (tres sitios de Ganado Major,) more or less. The judge, who shall give the possession, shall have it measured and fix the boundaries, with the customary land marks being understood; that said land is bounded on the north by Yuba Buena, on the northwest by the Presidio of San Francisco, on the west by lands of Don Francisco Haro, and on the south by a portion of the Rancho of the Sanchez, and on the east by the Bay of San Francisco.

4th. The grantee, and in his default his heirs and successors, shall respect the property which some persons possess in virtue of good titles, as well of the lands as of the houses of the settlements comprised within the limits of the Mission of Dolores, and which are hereby acknowledged.

5th. In this grant there are expressly excepted the houses of the priest (cursa cural) and the church of Dolores, as belonging to the bishop see in this diocess; consequently, I command that the present title, being held as firm and valid, it be entered in the respective book and be delivered to the party concerned for his security and other ends.

Given in the city of Los Angeles, metropolis of Californias, on this common paper, there not being any stamped, on the 10th of February, 1846.

(Signed) PIO PICO.
JOSÉ MARIA COVARRUBIAS,
Secretary.

The title has been entered in the respective book, Angeles date, as above.

(Signed) COVARRUBIAS.

Office of the Board of Commissioners of California Land Claims.

I certify the foregoing to be a true and correct translation from the Spanish original filed in office and annexed to the deposition of José Maria Covarrubias.

GEORGE FISHER, *Secretary.*

San Francisco, *May* 11, 1852.

Filed in office May 11, 1852.

GEORGE FISHER, *Secretary.*

Recorded in evidence, B, vol. 1, page 472 to 474.

GEORGE FISHER, *Secretary.*

Mission of Dolores.—Deed.

En la Ciudad de S. Francisco Territorio de la Alta California á los once dias del mes de Abril del año de N. S. de mil ocho cientos cincuenta por ante mi el infrascrito Notario publico de la referida ciudad se presentaron el S. Don. José prudencio Santillan, Cura parroco y ministro de la misma y de la Mision de Dolores y Dn. Manuel Antonio Rodriguez de Poli: como su apoderado general y dijeron que venden y danen dem en Venta Real y perpetua desde ahora para siempre al Sn. Dn. Santiago. R. Bolton de dicha Ciudad de S. Francisco todas las fincas, terrenos y demas bienes que tienen en el Distrito de la repetido Mision, compuestos de todas las Casas de las Rancherias de la Mision que se hallaban vacantas el diez de Febrero de mil Ocho cientos cuarenta y seis y de los terrenos que se hallaban in cultos en el misma dia en el y á citado distrito que seran tres Sitios de ganado mayor poco mas ó menos y que lindan por el Norte con Yerba Buena por el Noroeste con el presidio de S. Francisco por el Oeste con tienas de los herederos de Dn. Franco. Haro por el sua con parte del Rancho de los Sanchez y por el Oeste con la Bahia, cujas fincas y terrenos han sido concedidos al citado Dn. José Prudencio Santillan por el Gobierno de las Californias en el referido dia diez de Febrero del año mil Ocho cientos cuarenta y seis sejun mas tetante consta del documento Original de que hacen eentrega.

Asi mismo venden al nombrado D. Santiago R. Bolton La Casa, y tienas adquiridas del Sor. R. Riddley que se hallan en el centro de la referida Mision detalladas en el documento Original de adquisicion que igualmente entrega al comprador al cual ceden todas las regalias de derecho y accion que tenian por el precio y cuantia de dos cientos mil pesos fuertes de plata acuñada que el citado Dn.

José prudencio Santillan y su apode rado general confresein habeo recebido y qe. aunque no parece de presente renuncian á las leyes del caso y de ello ce deno recibo y finiquito en forma, declarando seo el justo precio que si mas fuese le hacen la gracia y donacion que el derecho llama interrivos y renuncian tambien á las leyes que tratan de la *lesion enorme*, enormisma, quenendo quo todo lo que le vendan sea para el sus herederos y susesores disfrutan dolo libre y pacificamente y tomando la posecion judicial cuando bien creyere convenirle para lo cual sedan por citados y empleados en devida forma. Se eseptuan de esta Venta el cuadro enten de Casas, la Iglesia y el terreno que sea necesario para formar un cuadro completo empezando por el Norte con el terreno de Franco. Rufino siguiendo hasta la Esquina del Cementerio y de este igual Estencion al Oeste ; lo que desde hoy para siempre servira para subsistencia del culto panoco y ministros de la Sta. Iglesia Catolica Apostolica Romana Igualmente se eseptuan de la Venta dos lotes de cien varas en cuadro de la Iglesia y Casa de la Mision ; Otro lote de cuatro cientas varas en cuadro sitas al sua del Arroyo del sua de la Mision donde concluye el Estero. Otro lote de quince mil cuatro cientas doce varas cuadradas sitas en el camino de la Mision al presidio de San Francisco : donde se halla estable cido el Sor. Goem y sus companeros ; y otro lote de Cuatro cientas varas en cuadro sitas en el Oatre del Cañutal lindindo por el Este con el Camino Real y para que conste asi lo Otorgan siendo testigos. D. Juan Gutierrez y Don Mariano Rodriguezpalmeo de todo lo cual doy fee fecha ut rebro.

JOSÉ PRUDENCIO SANTILLAN, +
DN. MANUEL A. RODRIGUEZ DE POLI,
MARIANO A. PALMER,
JUAN A. GUTIERREZ + HOPEFUL TOLER,
Escribano Publico.

STATE OF CALIFORNIA,
County of San Francisco.

On this 5th day of June, 1850, before me, Robert A. Wilson, a notary public of said county duly commissioned and sworn, personally appeared the above named Mariano R. Palmer, Juan R. Gutierrez, being both personally known to me, and being by me duly sworn, doth depose and say, each for himself, that they are well acquainted with the within named José P. Santillan and Manuel R. De Poli ; that they, the said deponents, were severally called by the said Santillan and said De Poli as the witnesses of the execution of the within instrument, and that they did then and there sign the same as subscribing witnesses of the execution of the above instrument as the free act and deed of said Santillan and of said De Poli for the purpose therein mentioned.

Witness my hand and seal.

[SEAL.] R. A. WILSON.

Recorded in the office of the county recorder of San Francisco county, in book of deeds, pages 170 and 171, at 3 p. m. June 3, A. D. 1850.

JOHN A. McGLYNN,
County Recorder.

By JAS. O. GRADY, *Deputy.*

Filed in office March 6, 1855.

GEORGE FISHER,
Secretary.

D.—*Translation of C.*

In the city of San Francisco, in the Territory of Upper California, on the 11th day of April, in the year of our Lord 1850, José Prudencio Santillan, parochial curate and minister of the said city and of the mission of Dolores, and Dr. Don Manuel Anto. Rodriguez de Poli, as his general agent, presented themselves before me, a notary public in the said city, and stated that they sold and granted in real and perpetual sale, from that time henceforth and forever, to Mr. J. R. Bolton, of the aforementioned city of San Francisco, all the buildings, grounds, and other property owned by them in the district of the aforesaid mission; comprised of all the houses of the ranchos in the mission which were unoccupied on the 10th day of February, 1846, and of the grounds which were not in cultivation on the same day, in the aforesaid district, comprising about three square leagues, (tres sitios de ganado mayor,) and which are bounded on the north by Yerba Buena, on the northwest by the presidio of San Francisco, on the west by lands belonging to the heirs of Don Franco. Haro, on the south by part of the rancho belonging to the Sanchez, and on the east by the bay; the buildings and the lands of which were granted to the said José Prudencio Santillan by the government of the Californias on the aforesaid 10th day of February, in the year 1846, as fully evidenced by the original document which they now deliver. Further, they hereby sell to the said J. R. Bolton the house and lands acquired from Mr. R. Ridley, which were situated in the centre of the aforesaid mission, and specified in the original document of acquisition, which they likewise deliver to the purchaser, to whom they grant all the privileges of right and immunities which they possess in consideration of the price and sum of two hundred thousand dollars, in silver coin, which the said José Prudencio Santillan and his general agent confess they have received; and that though this does not appear at the present time, they renounce the law of the lease giving a final receipt; therefore, in form, declaring it to be the just price. That if the value be more, they make a remission and donation of it to him of the kind which the law terms *inter*

vivos, and they likewise renounce the benefit of the laws which treat of *lesion enorme enormisma*, desiring that all they sell may be for him, his heirs, and successors, enjoying it freely and peaceably, taking lawful possession thereof whenever he may think it well and proper so to do; for which purpose they acknowledge themselves summoned and cited in due form. From this sale is excepted the entire square of houses, the church, and the ground which may be necessary to form a complete square, beginning on the north with the land of Franco. Rufino and following thence to the corner of the cemetery, and thence in equal extent to the west, which henceforth and forever will be appropriated to the maintainance of the worship, curate, and ministers of the Holy Roman Catholic and Apostolic Church; likewise from this sale is excepted two lots, each occupying a square of 200 varas, bounded on the west by the square of the church and house of the mission; another lot occupying a square of 400 varas, situated to the south of the rivulet at the south of the mission, where the estuary terminates; another lot, comprising 15,412 square varas, situate on the road from the mission to the Presidio of San Francisco where Mr. Gome and his partners are established; and another lot of a square of 400 varas, situate in the valley of the cañada, that bordering upon the east upon the highway.

In testimony whereof, they thus consent and stipulate, the witnesses whereof are, J. Gutierrez and M. Rodriguez Palmer; all which I certify, dated as first aforesaid.

(Signed,) JOSÉ PRUDENCIO SANTILLAN,
(Signed,) DR. MANUEL A. R. DE POLI,
(Signed,) M. R. PALMER,
(Signed,) J. R. GUETIRREZ.
(Signed,) H. TOLER, *Notary Public.*

Filed in office March 1, 1852.

GEORGE FISHER, *Secretary.*

Espediente Sobre el Parage nombrado "Laguna de la Merced," solicitado por José Antonio Galindo.

2. Sello tercero Dos Reales:

Habilitado provisionalmente por la aduana maritimá de Monterey de la alta Califorma para los años de mil Ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco.

Expedte. A. P. L. Exhibit annexed to deposition of Aaron Van Dorn, November 27, 1854.

FIGUEROA. A. RAMIREZ.

Monterrei, Setiembre 5 de 1835. De conformidad con los leyes y reglamentos de la materia in-

Sor. Gefé sup. politico El Ciudadano José Antono Galindo. Ante V. S. como mas ha ya lugar

forme el arpentam P. de S. Francisco si el interesado en esta instancia obtiene los requisitos prevenidos pa. sa atendido en su solisitua si el terreno ql. pre tende esta comprendido en las veinte leguas lomitrofes ó diez litorales ql. espresa la ler de 18de Agto de 1824, si pertenece á la propiedad de algun particular, mision, Corporacion ó pueblo con todo la Demas que crea conducente á ilustar la materia.

3. Evacuado que sea pasara el Espediente al sr. mayor domo de la misma mision pa. ql. Esponga lo ql. le ocurra sobre el particular. El S. D. José Castro, prima vocal de la E. diputacion territorial y Gefé politico interim del territorio de la Alta California, asi lo mando decreto y firmo de lo que doi fee.

JOSÉ CASTRO,
Teco. del Castillo Negrete, Srio.

en derecho espongo lo signiente que ayandose conmia numerosa familia ha su cargo compuesta de su madre tres hermanos barones y dos hembras necesita para su mantencion un pedazo de Tierra que se aya Valdio en las immidia cunesde S. Franco. y de Dolores, Cuyo terreno tiene de latitud ua legua y de longitud mecha ma so menos de lo que acompaño el diseño correspondte. segun la ley de 18de Agto. de 1824. Por tanto A. V. S. suplica se sirba dar lostramites correspondientes á esta mi solisitud de lo que recibire gracia juro no ser dema licia, &c.

Sr. Franco., Agto. 15 de, 1835.
JOSÉ ANTONIO GALINDO.

[Here follows map.]

5. Consecuente al supor. decreto de 5 de Septbre. del presente año qe. se halla, al margen de la solicitud que hase el ciudadano José Antonio Galindo, en pretencion del terreno de la Laguna de la Merced, El ayuntamiento de esta demarcacion dice lo siguiente; que el solicitante poselas circumstancias de sa ciudadano Mexicano pr. nacimpto. que ha serbrão de soldado á la nacion; es hombre de bien; y compara á su madre, vinda anciana y con otros lujos, contrebre yendo con su ayuda, á la mantencion de todos y conserbacion, de los bienes que poseen; el tareno que pretende no esta comprendido en las veinte leguas lomitrofes y si en las drez litorales pero ha pertenecido á la mision de Sr. Franco. de la que hallandose al poniente, dictana una legua poco mas á linea Recta; no es de temporal ni regadio y si de ahevadero pr. qe. unicamte. puede serbir pa. criar un certo numero de ganado á fabor de la misma laguna; unes todo el terreno es arenoso y apenas produce pastos simples pea. mantencion de Caballada y Gernado; y pa. siembras, totalmente esteril, unfructuoso. E. S. cuanto pue de decir sobre el particular á que se contrae el Citdo. supl. decreto esta corporacion.

S. Frannco, *Septbre.* 10, *de* 1835.

FRANCISCO DE HARO.

Francisco Sanchez, *Srio.*

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6. Sor Gefe, Politico Interim. En Virtud del superior decreto de V. S. qe. antesede qe. prebrene pase al marjordomo desta este Espedte. pa. qe. esponga lo qe. le Ocurra; due qe. el solicitante tiene los Requisetos prebenidos pa. ser atendido es Ciudo. Mejicano por nacimto. y serbido en la carrera militar el terreno que solisita pertenese á esta comunidad, el abrevadero, no esta comprendido en las Veinte Leguas limitrofes y si en las diez literales dista un poco mas de Legua y no la ocupa la espresada, pero con motibo de no estar aun senálades losejidos ó proprio que me paresen quedar á esta cuando se Exija en Pueblo, Inoro si destos ejidos cennprenderan fha. el mencionado paraje; y es el motibo por qe. no puedo decir con sertidunbre si el repetido parage se puede ó no conceder sin qe. haga falta á esta comunidad.

DOLORES, *Fbre.* 13, *de* 1835.

ESMDO. FLORES.

Sello tercero, dos reales.

Habilitado provicionalmte. por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos trienta y cinco.

CASTRO.
ANGEL RAMIREZ.

MONTEREY, *Sbre.* 22 *de* 1833.

Pase al alcalde de esta capital ante quien la parte interesada de Dn. José Anto. Galindo produsera una informacion de tres testigos idoneos qe. serem enterragados sobre los puntos siguientes:

1°. Si el solicitimte. es cno. Mejicano pr. nacimto. si es casado í tiene hijos í si es de buena conducta.

2°. Si el terreno qe. pretende pertenece á la propriedad de algun particular, mision corporacion ó pueblo: si es de regadio temporal ó abrevadero y que estencion tiene.

3°. Si tiene brines decampo con qe. poblarlo ó posibilidad de adquirirlos. Evacuada estas diligencias volvera el espediente pa. su resolucion. El Sor. Dn. José Castro, primer vocal de la Exma. Diputacion Territorial y Gefé S. politico interino de la Alta California asi lo mando, decretó y firmo de que doy fee.

JOSÉ CASTRO.
FCO. DEL CASTILLO NEGRETE, *Srio.*

MONTEREY, *Septiembre* 22 *de* 1839.

[Derechos 4ps.] Notifiquese al interesado presentes los testigos que se han de examinar sobre los puntos que comprende el superior decreto qe. antecede: reciva se la informacion qe. se pide y devuelvase el espediente al Sr. Gefé Supr. politico para que surta los efectos que haya lugar.

JOSÉ JOAQN. ESTADILLO.

De assa. DAV. E. SPENCE.
JOSÉ MALDONADO.

En la fecha presente el C. José Anto. Galino se le notifico el auto antecedte. y entendio dijo: Lo oye y qe. presente por testigos á los S. S. Francisco Sanchez, José Fernandez, y Guadalupe Barcenas, y no formo pr. qe. digo no saver, lo hice yo y los de assa. segun dro. Lo testado no &c. Lo—entre renglones &c.

JOSÉ JOAQN. ESTADILLO.

De assa.: SPENCE.
JOSÉ MALDONADO.

Inmidiatamte. presente el C. Francisco Sanchez.
Sello tercero dos reales.
Habilitado provicionalmente par la administracion de la aduana maritima de Monterey, de la Alta Calfornia, par los años de mil ochocientos trienta y cinco.

CASTRO.
ANGEL RAMIREZ.

Le recivio juramto. qe. hiso en forma de dro. pr. el cual ofrecio verdad en ly qe. supiere y fuere preguntado, y siendolo pr. su nombre estado edad, patria y religion: Dijo llamase como dho. es: qe. es casado de veiee y nueve años natural de S. Franco. en la Alta California, y C. A. R.

Preguntado. Por el contenido del interrogatorio que se advierte en el supor decreto del 22 del presente digo:

Á lo 1°. Que si es Mejicano pr nacimto. qe. no es casado ni tiene hijos y qe. es de buena conducta y dijo.

Á lo 2°. Que el terreno que pretende save qe. pertenece á la mision de S. Francisco de Osio; que es de abevadero y qe. su estencion sera de largo una legua y lo mas ancho media y responde.

Á lo 3°. Que tiene bienes de campo: que lo dicho es la verdad á cargo del jurmento que tiene hecho en el qe. se afirmo y raticfio leida que le fué esta su declaracion y lo firmo conmigo y los de assa.

FRANCO. SANCHEZ.

De assa.: DAV. E. SPENCE.
JOSÉ MARIA MALDONALDO.
JOSÉ JOAQN. ESTADILLO.

En la misma fha. presente Dn. José Fernandez se le recivio juramento en forma bajo la cual apecio decir Verdad en lo que supiere y fuere preguntado y siendolo por su nombre estado, edad, patria y Relijion dijo: Sellama como que da dicho: que es Casado de edad de treinta y seis años, natural de Cadiz y C. A. R.

Prejuntado á lo 1°. por el mismo orden qe. lo fue el anterior testigo Dijo:

A lo 1°. Que el interesado es O. Mejicano pl. nacimiento que no es casado ni tiene hijos y qe. esde buena conducta y responde. A lo 2°. Que el terreno que pretende savl. pretenecia antes á la mision de S. Franco. pero ql. ijnora en la actualidad si es de aquella?

Oro: que es de ahevadero, y que su estencion podrà tener tes cuartos de legua de lagro y un cuarto de ancho y responde. À lo 3°. Que tiene bienes de Campo con ql. poblarlo y que lo dicho es la Verdad à cargo del juramento que tiene hecho en el ql. se afirmo y ratifico leida ql. le fuè esta su y declaracion y lo firmo con migo y los de assa.

DAV. E. SPENCE,
JOSÉ FERNANDEZ.

De assa: JOSÉ MARIA MALDONADO,
JOSÉ JOAQUIN ESTADILLO.

In continente se le recivio juramto. al C. Guadalupe Bercenas que hiso en toda forma pl. el cual Ofrecio de cir verdad en el ql. supiere y fuere preguntado y siendolo por su nombre, estado, edad, patria y Relijn. (Sello tercero Dos Reales:

Habilitado provicionalmte. por la administracion de la Aduana maritima de Monterey de le Alta California, para los años de mil ocho ciento treinta y cuatro y mil ochocientos treinta y cinco.

CASTRO,
ANGEL RAMIREZ.

Dijo: ql. se llama como que da dho que es casado, de Veinte y tres años, natural de S. Franc°. y C. W. R.

Preguntado pr: el mismo interrogatorio en que lo fueron los dos anteriores testigos: Dijo.

À lo 1°. Que el solisitante es Ciudad°. me jicemo pl. nacimiento, que no es casado y tiene buena conducta y responde.

À lo 2°. Que el terreno ql. pretende save pertenece à la mision de S. Francisco; pero ql. no la ocupa: que solo es de ahevadero, y ql. su estencion sera de una lgua de largo y de ancho, en partes media legua y en partes un cuarto y responde.

À lo 3°. Que itiene suficientes vienes de Campo: que lo que tiene dho es la verdad à cargo del juramento que ha Otrorgado en el ql. se aformo y ratifico, leida que le fuè su declaracion y no formo pr. ql. dijo no saver lo hice y o y los de ass^a.

DAV. E. SPENCE.

De assa: JOSÉ MARIA MALDONADO,
JOSÈ JOAQUIN ESTADILLO.

En la fha concluida la informacion ql. se pide, se devrielve al S. G. Sup^l. politico este espediente en cumplimt^o. de lo mandaod en el antecdt^e anto y p^a. const^a. lo anoto y rubrico.

MONTEREY, *Fbre.* 23*de*, 1835. [——]

Vista la peticion con ql. da principio este espediente el informe de la antoridad municipal de esta Capital la esposicion de testigos, con todo lo demas que se tuvo presente y ver convino de conformidad con lo dispuesto pl. las y reglamentos de la materio se declara

à José Antº. Galindo dueño en propiedad del terreno conocido con el nombre de La jura de la Merced sugeto à las condiciones que se estipularen lirrese el despacho correspondiente tomese razon en el Libro respectivo y dirijase este espedtº. pª. la devida aprovacion à la E. Diputacion Territorial. El Sr. Dn. José Castro prima vocal de la E. Diputacion Territorial à Gefé S. politico interim de la Alta California asi lo mando, decreto y firmo de ql. doy fé.

JOSÉ CASTRO.

MONTEREY, *Sept.* 25, *de* 1835.

En sesion de este dia se mando pasar à la Comision de terrenos baldios.

CASTRO.

Queda tomada razon à fo. 74.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the twelve preceding and hereunto annexed pages of tracing paper, numbered from one to twelve, inclusive, exhibit a true and accurate copy of a certain document now on file and forming a part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this 13th day of November, 1854.

[SEAL.]

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office November 28, 1854.

GEORGE FISHER,
Secretary.

A, PL—annexed to the deposition of A. Vandorn.

Espediente relative to the place called La Juan de la Merced, solicited by José Antonio Galindo.

10.

Stamp Third. Two reals.

Provisionally authorized by the administration of the maritime custom-house of Monterey, of Upper California, for the years eighteen hundred and thirty-four and eighteen hundred and thirty-five.

FIGUEROA. A. RAMIREZ.

MONTEREY, *September* 5, 1855.

In conformity with the laws and regulations on the matter, let the municipal authorities Ayuntamiento of San Francisco report whether the interested party in this petition has the requisite qualifications to be attended to in his petition; whether the land he solicits is within the twenty border leagues or ten littoral ones, mentioned in the law of the 18th of August, 1824; whether it is the property of any individual, mission, corporation, or pueblo, and whatever else may be conducive to el cidate the matter; which being done, let the Espediente (record) of proceeding pass to the superintendent of the same, in order that he may state what he may see proper in the matter.

D. José Castro, first number of the most excellent territorial deputation and political chief *ad interim* of the Territory of Upper California, thus ordered, decreed, and signed, of which I certify.

(Signed) JOSÉ CASTRO.
[RUBRIC.]

Senor, Superior Political Chief:

The citizen, José Anto. Galindo, before your lordship in due form of law, appears and exposes that finding himself with a numerous family, which consists of his mother, three brothers and two sisters, he is in need for their subsistence of a tract of land, which is vacant, lying near San Francisco and Dolores, which tract of land is one league in width, and a half league, more or less, in length, the corresponding sketch he herewith presents, according to the law of the 18th of August, 1824; wherefore he prays your lordship that due action be taken on this petition, by which he shall receive a favor. I swear it is not in malice, &c. San Francisco, Aug. 15, 1835.

(Signed)
JOSÉ ANTO. GALINDO.

[Here follows a map in the original Spanish.]

In accordance with the superior decree of the 5th of September, of the present year, which appears on the margin of the petition made by the citizen José Antonio Galindo, in solicitation of the tract of land La Laguna de la Merced, the municipal authorities (Ayuntamiento) of this demarcation, reply as follows: That the petitioner possesses the qualifications of being a Mexican citizen by birth, and of having served the nation in the capacity of a soldier, and of being an honest man, and that he supports his mother, an aged widow, with other children, contributing by his aid to the support of all,

And in the preservation of the property which they possess. The land which he solicits is not comprehended within the twenty bordering leagues, but it is within the ten littoral ones, but it has belonged to the Mission of San Francisco;

From which it is distant to the west a little more than one league in a straight line. It is not farming land, not irrigable,

nor is it irrigable farming land, but it is pasture land, for it can only be used to raise a small number of cattle at the said Laguna.

For all the land is sandy and produces pasture only fit for horses and cattle; for the purpose of cultivation it is altogether useless and barren. This is all that this corporation can say in relation to the matter to which the said superior order refers.

SAN FRANCISCO, *September* 10, 1835.

(Signed) FRANCISCO DE HARO.
F. SANCHEZ, *Secretary.*

Senor Political Chief, ad interim:

In obedience to the superior decree of your lordship, which provides that this record of proceedings "espediente" be transmitted to the superintendent of this mission, in order that he may state what he may see proper, I will say that the petitioner possesses the necessary qualifications to be attended to; that he is a Mexican citizen by birth, and has served in the military career; the land which he solicits belongs to this community; it is grazing land; it is not within the 20 bordering leagues, but it is within the ten littoral leagues.

It is at the distance of a little more than a league from said mission, and is not in the occupation of the same, but as the commons (ejidos) which shall belong to this place when it shall be constituted into a town (pueblo) are not yet designated, I do not know whether the said commons will embrace the said tract of land, and for this reason I cannot say with certainty, whether the said place may be granted without prejudice to this community.

DOLORES, *September* 13, 1835.

(Signed) GUMDO. FLORES.

Stamp third: Two reals.

Provisionally authorized by the administration of the maritime custom-house of Monterey of Upper California, for the years eighteen hundred and thirty-four, and eighteen hundred and thirty-five.

ANGELO RAMIREZ.
CASTRO.

MONTEREY, *September* 22, 1835.

Let this be transmitted to the alcalde of this capital, before whom the interested party, Don José Antonio Galindo, will produce an information of three competent witnesses, who shall be examined upon the following points: 1st, whether the petitioner is a Mexican citizen by birth; if he is a married man; has any children, and if he is of good conduct; 2d, whether the land which he solicits is the property of any individual, mission, corporation or *pueblo;* if it is farming, irrigable land, or not irrigable

grazing land, and what may be its extent; 3d, whether he has personal property to occupy it or can acquire it.

These proceedings being concluded, the espediente shall be returned for final action to Don José Castro, first member of the most excellent territorial deputation, and superior political chief, *ad interim*, of Upper California, thus ordered, decreed and signed, which I attest.

(Signed) JOSÉ CASTRO.
F. DEL CASTILLO NIGRETE,
Secretary.

MONTEREY, *September* 22, 1835.

Fees $4,00. Let the interested party be notified to produce the witnesses to be examined on the points comprised in the preceding superior decree; let the required information be taken, and let the record of proceedings be returned to the señor superior political chief that it may have the due effect.

E. D. SPENCE.

In assistance:
J. M. MALDONADO,
J. J. ESTADILLO.

On the same date, the citizen José Antonio Gulindo being present, the foregoing order was communicated to him, and apprised of it, he said that he hears it, and that he presents as witnesses, Messrs. Francisco Sanchez, José Fernandez, and Guadalupe Barcenos, and he did not sign this, because, as he said he did not know how; and I did it with those of my assistance according to law.

E. D. SPENCE.

In assistance:
JOSÉ M. MALDONADO,
J. J. ESTADILLO.

Immediately after the citizen Francisco Sanchez being present, I administered to him the legal oath which he made according to law, under which he offered to say the truth to the extent of his knowledge, to the questions that should be put to him; and being asked for his name, state, age, country and religion, he said that his name is as above said; that he is a married man, 29 years of age, a native of San Francisco, in Upper California, and Roman Apostolic Catholic.

Being interrogated upon the points prescribed by the superior decree of the 22d instant, he answered to the 1st, That he is a Mexican by birth, that he has no children and is not married, and that he is of good conduct; and he answers to the 2d, that he knows that the lands which the party solicits belongs to the Mission of San Francisco de Asis, that it is pasture land, and that its

extent may be in length one league, and the greatest width half a league; and he replies to the 3d, that he has farming stock and possesses property; that all he has said is the truth, under the oath which he has taken, which he confirmed and ratified after this deposition was read to him, and he signed it with me and those of my assistance.

(Signed) DAVID SPENCE,
FRANCISCO SANCHEZ.

In assistance:
(Signed)
J. M. MALDONADO,

In assistance:
(Signed)
J. J. ESTADILLO.

On the same date, Don José Fernandez being present, I administered to him the legal oath, under which he promised to answer the truth, to the extent of his knowledge, to the questions that might be put to him; and being asked as to his name, state, age, country, and religion, he answered:

That his name is the same before mentioned; that he is a married man, of the age of thirty-six, a native of Cadiz, and an Apostolic Roman Catholic.

Being interrogated to the same points as the preceding witness, he said, to the 1st, That the party is a Mexican citizen by birth, that he is not married, nor has he any children, and that he is of good conduct; and he answers to the 2d, that he knows that the tract of land which he solicits belonged formerly to the Mission of San Francisco, that he does not know whether at present it belongs to the Mission or not, that it is pasture land, and that its extent may be three-quarters of a league in length, and one-quarter of a league in width; and he replies to the 3d, that he has personal property to occupy it, and that what he has said is the truth, under the oath he has taken, which he confirmed and ratified after this deposition was read to him, and he signed it with me and those of my assistance.

(Signed) D. E. SPENCE.

In assistance:
(Signed)
J. M. MALDONADO,

In assistance:
(Signed)
JOSÉ J. CARRILLO.

Immediately after I administered the legal oath to the citizen Guadalupe Barcenos, under which he promised to speak the truth, to the extent of his knowledge, in answer to the questions that might be put to him; and being interrogated as to his name, age, country, and religion, he said:

That his name is the same before mentioned, that he is a married man, and twenty-three years of age, native of San Francisco, and Apostolic Roman Catholic.

Being interrogated to the same points as the two former witnesses, he said:

To the first, That the petitioner is a Mexican citizen by birth; that he is not married, and is of good conduct; and he answers

To the 2d, That he knows that the land which he solicits belongs to the Mission of San Francisco, but is not occupied by the same; that it is only pasturing land, and that its extent may be one league in length and in breadth, in some places half a league, and in some places one quarter of a league; and replies

To the 3d, That he has sufficient personal property to occupy it; and that what he has said is the truth under the oath which he has taken, which he confirmed and ratified after this deposition was read to him; and he did not sign because he said he knew not how, and I did it, with those of my assistance.

Signed, E. SPENCE.

In assistance.
Signed,
J. W. MALUVUNDE.

In assistance.
Signed,
J. J. ESTUDELLO.

On the same date, the information required being ended, this record of proceedings is returned to the same supreme political chief, in compliance with what has been prescribed by the preceding decree; in witness whereof I note it down and affix my rubric.

R. [L. S.]

MONTEREY, *September* 23, 1835.

In view of the petition with which this (*espidente*) record of proceedings begins the report of the municipal authority of this capital, the testimony of witnesses, together with whatever else was thought to the purpose, in conformity with the provisions of the laws and regulations on the matter, Jose Antonio Galendo is declared owner in full property of the land known by the name of La Juan de la Mercer.

Subject to the conditions that may be stipulated, let the corresponding despatch be issued and note of it be taken in the respective book, and the espidiente to be submitted to the most excellent territorial deputation for approval.

Senor Don José Castro, first member of the excellent territorial deputation and political chief, *ad interim* of Upper California; thus ordered, decreed and signed, which I attest.

Signed, JOSE CASTRO.

MONTERAY, *September* 25, 1835.

In session of this day this espidente was referred to the committee on vacant lands. Signed:

CASTRO.

Due note has been taken upon page 74.

Filed in office, December 9, 1854.

GEORGE FISHER,
Secretary.

1844.

Espediente promovido por los Cuidadanos, Francisco y Ramon Haro En Pretencion del Parage nombrado Potrero de San Francisco, (360.)

MONTEREY, *Abl.* 29, de 1844. Infe. el S. Frco. del Despacho tomando los informes necessarios.
MICHELT'A.

Exmo. Sor. Gobernador de las Californias:

Francisco de Haro, Ramon de Haro, á nombre de nuestra familia Mejicanos por nacimnte. y abecinda dos en la Ex-Mision de San Franco. de asis ante V. E. con la mas recte sumision asen presente que tenien do que estraer la parte de ganado que le corresponde á la finada mi Mache del Rancho del finada José Antonio Sanchez y á las dohe de reduir; imploramos á S. E. por que en uso de sus facultades, se nos conseda un corto terreno que se nombra potrero de Sn. Franco. teniendo de N. á S. dos mil dos cientas achenta y Ocho Vs. y de E. á O. dos mil quinientas Ocho Vs. y de E. á O. dos mil quinientos ocho siendo me dido hasta las Lomerias por no haver faculta tibo pa. el Efecto segun el diseño que a compañamos á V. E. y como dho. terreno sepuede sercar tratamos de meter ganado manzo por sa muy chico el que ocupa hoy todo el ganado de mi Sor. Padre quien nos ha dado el pamiso por estar bajo de la parte potestad pa. representar. P. T. A. V. E. suplicamos se digne el asanos este beneficio de lo qe. recibiremos merced y gracia porando no ser de malicia, &c., no siendo en papel del sello qe. corresponde por no haverle.

FRANCO. M. DE HARO.
RAMON DE HARO.

S. FRANCO., *Abril* 12, *de* 1844.

Exmo. Sor. Gobernador:

La mision de San Franco. y a no tiene brenes ningunos y por consi guiente el potrero qe. se pretende esta baldio como lo a creditan los soli citantes con un informe del juez respectivo y como á dho. establicimiento debe señalarsele sus egidos prenso que entre tanto puedan ocupar el teneno los intreesados pl. una licencia provicional que V. E. sedigne darles por no perjudicar á la comunidao ni particular alguno. La disposicion de V. E. será lomas asertada.

MONTEREY, *Abril* 29, *de* 1844.

MAN'L JIMENO.

MONTEREY, *Abril* 30, *de* 1844.

Conf'l. MICHELT'A.

MONTEREY, 30 *de Abril, de* 1844.

Vista la peticion con que da principio este espediente los informes que presiden en todos lo demas que se tubo presente y ver conbnio de conformidad con las leyes y reglamentos de la materia; declaro de Franc'o y Ramon Haro agraciados en que dispone provisional mt'l el terreno que nombran Potrero de San Franc'o en estencion de medio sitio de ganado mayor, siendo los linderos los Esteros de la Voca del potrero y las Lomerias que le circunde. Libre se el correspondiente despacho tomese Razon y derijase una comunicacion al Encarjado dicho establicm'te el exmo Sor. Gobernador asi lo mando decreto y formi. Doy fee.

SAN FRANCISCO DE ASIS, *Abril* 13, 1844.

Por las Razones que espone el pretendiente doy informe del parage pedido y digo que no heuy pretendientes, ni reclamantes hasta la fecha y no este ocupado por comunidad ni persona Alguna.

GUILL'O HINCKLEY.

Sor. Alc'e de 1° nominacion de Sn. Francisco.

Francisco de Haro, vesino de esta jurisd'on à nombre de sus hijos Francisco y Ramon en derida forma comparesco; y espongo hallarse mis citados hijos con mi correspond'te Assenzo para solicitar del Sup'r Gob'o del Departamento la Concesion del potrero que se halla al frente de la Ex-Mission de Sn. Franc'o de Asis; el cual se haya Valdio y asoladas susceros; y deseando allanar los inconviniente que puedan entopeser el pronto despacho de dha. peticion pr. tena que venor à informe desde ayer; y avio de estos atrasos Ocurro à V. à fin de que serva instruir el que pisgue conveniente en mi presente solisitud. Por tanto. A. V. pido provea en justicia, sirbrendose admitur la en papel comin por no haber de Sello que corresponde juro lo no, &c.

SAN FRANC'O, *Abril* 13, *de* 1844.

FRANCISCO DE HARO.

El abajo firmado: Por el presente doy à mis hijos Francisco y Romon de Haro: el correspond'te Assenzo para que puedan por razon de su menor edad pretender del superior Gobierno del Departamento la Concesion del potrero de la Ex-Mision de S. Franc'o de Asis; que se halla Valdio; el cual de muestra el diseño que acompañan á su peticion debrendo ser; (si friese del sup'r agrado

concederselos, para beneficio de sus demas hermanos tambien. Y para los fines que le convengan les di el presente. En la referida Ex-Mision de S. Franc'o de Asis a 12 de Abril, de 1844.

FRANCISCO DE HARO.

[Here follows map.]

Manuel Micheltorena, Gral. de Brigada del Ejercito Mejicana, Ayudante Gral. de la plana, Mayor del mismo, Comandte. Gral. Gobernador é Inspector del Departamento de Californias.

Por Cuanto. Franco y Ramon Haro han pretendido la concesion del potrero que se nombra de San Franco. des de la boca de los esteros, con la lomeria que lo circunde, y habiendose practicado las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia he venido en uso de las facultades que me son conferidas á nombre de la Nacion Mejicana en permtoill la ocupacion del potrero mencionado; sugetandose á la midicion que se haja de los ejidos del Establicmto. de San Franco. y á las condiciones sigtes.:

1ª. No podran por ningun titulo venderlo ni enagenarlo sin per judicar algunos bienes que tubiese el establicmto. de San Franco.

2°. No impidoran las trabecias, caminos y servidumbres destinandolo por el cultivo y bienes que intentan introducir po. dentro de un año á lo mas estara ocupado.

3ª. El terreno de que se hace mencion es de medio sitio de ganado mayor y si contraliniere á estas condiciones perderan su derecho á esta concesion provicional que se entrega á los interesados pa. sus resguardes y demas fines.

Dado en Monterey á primero de Mayo, de mil ocho cientos cuarenta y cuatro.

MANUEL MICHELTA.

MANL. JIMENO, *Srio.*

Es copia sacada de la original que se entrigo á los interesados.

MANUEL JIMENO.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the nine preceding and hereunto annexed pages of tracing paper, numbered from one to nine, inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of [SEAL.] San Francisco, this thirteenth day of November, 1854.

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office November 21, 1854.

GEORGE FISHER, *Secretary.*

[Translation of B, PL. Exhibit to the deposition of G. Vallejo.]

1844.—*Espediente had by citizens Francisco and Ramon Haro, on application for the place called Potrero de San Francisco* (360.)

To the most Excellent Governor of California:

We, Francisco de Haro and Ramon de Haro, Mexicans by birth, and residing in the Ex-Mission of San Francisco Diasis, in the name of our family, before your excellency, with due submission, represent that, having to remove the share of cattle appertaining to our deceased mother from the rancho of the late José Antonio Sanchez, and having in view to tame them, we beseech your excellency, in exercise of your excellency's powers, to grant us a small tract of land called Potrero de San Francisco, containing, from north to south, 2,288 varas, and from east to west, 2,508, it being measured as far as the range of hills, (Lomarias,) as there was no competent person to do it otherwise, according to the sketch which we annex hereto; and as the said tract of land can be enclosed, we intend to place therein the tame cattle from the small extent of that now occupied by all the cattle of our father, who has given us leave, as we are under the parental control, to make this petition; therefore we pray your excellency will be pleased to grant us this benefit, whereby we shall be duly bound, &c. We swear we do not proceed from evil intent, &c. The petition has not been written on the stamp paper, there being none to be had.

RAMON DE HARO.
FRANCISCO DE HARO.

SAN FRANCISCO, *April* 12, 1844.

The following order was written on the margin of the above petition:

MONTEREY, *April* 29, 1844.

Let the secretary of the department report taking such information as he may deem necessary.

MICHELTORENA.

To his Excellency the Governor:

The mission of San Francisco has no longer any cattle, and consequently the Potrero on application is lying unoccupied, as approved by the applicants in a report of the proper judge; and inasmuch as the common lands of said establishment are to be assigned to it, I think that in the meanwhile the parties may, by *provisional* license, which your excellency may be pleased to grant them, occupy the tract, since there can be no detriment to the community or any private individual. However, your excellency's decision will be the most proper one.

MANUAL JUNIM.

MONTEREY, *April* 29, 1844.

MONTEREY, *April* 30, 1844.

Conformable thereto.

MICHELTORENA.

MONTEREY, *April* 30, 1844.

Upon viewing the petition wherewith this espediente begins, the foregoing reports and other proceedings which were had and ought to be viewed, in accordance with the law and regulation in the premises, I do declare Francisco and Ramon Haro empowered to occupy provisionally the tract of land called Potrero de San Francisco, to the extent of half a sitio de gunado mayor, the bounds thereof being the estuaries of the mouth of the Potrero, and the range of hills environing it. Let the proper title be issued and recorded, and let a communication thereon be made to the trustee of said establishment. His excellency the governor did thus command, order, and sign, which I attest.

To the County Judge of First Nomination of San Francisco:

I, Francisco de Haro, a resident of this jurisdiction, on behalf of my sons, Francisco and Ramon, in due form of law appear and state that they, the said Francisco and Ramon, have obtained my assent to apply to the superior government of the department for a grant of the Potrero, which lies opposite the Ex-Mission of San Francisco de Asis, and now unoccupied, and the enclosures thereof thrown down; and being desirous to avoid such inconveniences as may obstruct the speedy despatch of said petition, as it must be referred thence to this place for information, I hereby apply to your worship to the end that your worship will be pleased to proceed to report, as your worship may deem expedient, on the subject of this my application. Therefore I pray your worship to proceed in this matter according to justice, and to be pleased to admit said application on common paper, there being no stamped paper to be had. I swear as required, &c.

FRANCISCO DE HARO.

SAN FRANCISCO, *April* 13, 1844.

The following report was written on the margin of the above petition

SAN FRANCISCO *De Asis, April* 13, 1844.

In consideration of the motives represented by the applicant, I hereby report about the place petitioned for, and declare that up to this day there is no other applicant or claimant to the same, and it is not occupied by any community or private individual.

GUILLERMO HINCKLEY.

I, the undersigned, do by these presents grant to my sons, Francisco and Ramon de Haro, the corresponding assent, in order to enable them (owing to their minority) to petition the superior government of the department for a grant of the Potrero of the Ex-Mission of San Francisco de Asis, lying at the present time unoccupied, which is shown in the sketch attached to their petition, to be granted (if it may please the superior authority to do) for the benefit of their other brothers as well; and to answer due ends, I grant them these presents, at the said Ex-Mission of San Francisco de Asis, the 12th day of April, 1844.

(Here follows a sketch.)

Manuel Micheltorena, Brigadier General of the Mexican army, Adjutant General of the staff of the same Commanding General, Governor and Inspector of the Department of California: Whereas Francisco and Ramon Haro have petitioned a grant of the Potrero, called de San Francisco, from the mouth of the estuaries, together with the hills surrounding it, and all the steps and investigations concerning thereto, having been had according to the requirements of the law and regulation on the premises:

I have, in exercise of the powers conferred upon me, in the name of the Mexican nation, granted them the occupation of the above mentioned Potrero, subject to the measurement to be made of the common lands of the establishment of San Francisco and the following conditions:

1st. They shall not, under any consideration, sell, or alienate it to the detriment of any of the proprietors which the establishment of San Francisco may have.

2d. They shall not obstruct the passages, roads and easements, but apply it to such use, or keep thereon such cattle as they intend to, but within one year at the utmost it shall be inhabited.

3d. The tract of land, whereof mention is hereby made, consists of one half a sitio de gunado mayor; and if they shall contravend these conditions, they shall forfeit their right to this provisional grant, which shall be delivered to the parties for their safety and other ends.

Given at Monterey, on the 1st day of May, 1844.

MAN'L MICHELTORENA.

MAN'L JIMENO, *Secretary.*

This is a copy of the original, which was delivered to the parties concerned.

JIMENO.

Filed in office December 9, 1854.

GEORGE FISHER, *Secretary.*

1839.

Espediente promovido por Dn. Jacobo Leese en pretentcion del terreno conocido con el Nombre de Cañada de Guadalupe y Visitacion, 245.

Sello Cuarto, Una Cuartilla.

Habilitado provisionalmte. por la aduana maritima de Monterey para los años de 1839 y 1840.

ALVARADO,

ANTONIO MA. OSIO.

C, PL.

Exhibit to deposition of M. G. Valejo, Nov. 17, 1854.

[SELLO.] EXMO. SOR :

El Cno. Jacobo Luis de Leise, ante V. E. con el devido respeto y como me por harja lugar en derecho digo que descando tenerim sitio de propiedad pa. cria de ganado Bacuno y Caballan solicito el parage Clamado la Cañada de Guadalupe y Visitacion cituado en la Rinconada ql. forma en tererno de Sn. Bruno como ema legua distante de la Mision de Sn. Francisco conforme al Adjunto diseño esceptuando el Rincon de las Salinas ql. en el se vé poniendo, pl. Cinderos, pl. la parte del Norte con el mencionado Rincon, pl. el Oeste con el cermion real hasta el portesuelo, pl. el sur con el Rancho de D. Franco. Haro y el de Dn. José Sanchez y pl. el Este con el Men.

Sr. Juan de Castro, Nobre. 16, de 1839. Informe sobl. lo contenido en esta instancia el prez de paz de Sn. Francisco.

CASTRO.

P. T. A. V. El suplico se serva proveer á mi solicitud en lo ql. recivrré señalada merced pirando no ser de Malicia y lo necesario.

JACOB P. LEESE.

S. Gobernador de Este Departamento.

MONTEREY, *Noviembre* 14, *de* 1839.

SOR. PREFECTO :

En cumplimiento del decreto marginal de V. Stengo el honor de esponer ql. el interesado en esta instancia obtiene los. Requisitos legales para ser atendido y que el terreno que solicita puede serle

consedido en virtud de que con antenoridad el Goberno del Departamento le dio permiso para estable cerse probicionalmente en el.

FRANCO. GUERRERO.

S. Franc'o, 17 *de Nobre., de* 1839.

Sn. Juan de Castro, *Nobre.* 19, *de* 1839.

Elevese al Exmo. Sor. Gobernador del Departamento para que S. E. resuelva lo que estime de justicia.

JOSÉ CASTRO.

Sello Cuarto, Una Cuartilla.

Habilitado provicionalmte. por la aduana maritima de Monterey, para los años de 1839 y 1840.

ALVARADO. ANTONIO MA. OSIO.

[sellÓ.] Monterey, *Julio* 31, *de* 1841.

Vista la peticion con que da principio este espediente el informe del puez de paz del puerto de San Francisco y el del Sr. prefecto del 1er distrito con todo lo demas que se tubo presente y ver convino de conformidad con las leyes y reglamentos de la materia declaro à Dn. Jacobo P. Leese dueno en propriedad del parage conocido con el nombre de Cañada de Guadalupe la Visita cion y Rodeo Brijo, colindante al E conel mar al O. E. con el camino Real y Porteone lo al N. con el Rancho de Dn. Cornelia Bernal, y al sur con el de Dn. José Sanchez Estiendase el despacho correspondte. tomese Razon en el libro respectivo y dinjase este Espediente á la Exma Junta Departamental para su aprovacion.

El Sr. Dn. Juan B. Alvarado, Gobr. Constitucional asi lo mando, decreto y formo de que doy fee.

[Here follows map.]

Juan B. Alvarado, Gubernador Constitucional del Departamento de las California:

Por Cuanto Dn. Jacobo Luis de Leese ha pretendido para su beneficio personal y el de su familia el parage conocido con los Nombreo de Cañada de Guadalupe la Visitacion y Rodeo Vrejo, siendo los lunites por el Este con el mar al Oeste col el camino real y Portesuelo al Norte con el rancho de Dn. Cornelio Bernal y al sur con el de Dn. José Sanchez, practicadas previamente las diligencias y averijuacions consernientes segun lo dispuesto por lerjesy Reglermentos, usando de las facultades que me son conferidas á Nombre de la nacion Mejicana, he venido en concederle el mencionado parage declarandole la propriedad de el por las presentes letras sujeto á la aprovacion de la Exma. Junta Departamental y á las condiciones siguientes:

1ª. Podrá ser carlo sin perjudicar las trave cias caminos y ser-

vidumbres lo disfrutara libre y exclusivamte. destinandolo al uso o cultivo que mas le acomode; pero dentro de un año fabricará leosa y estara habitrada.

2ª. Solicitara del juez respectivo que le de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en curjos limites pondra á mas de las mojoneras algunos Arboles frutales ó silvestres de alguna utilidad.

3ª. El terreno de que se hace mencion es de *es de* dos sitios de ganado mayor poco mas ó menos segun esplica el diseño que corre en el espediente. El juez que diere la posecion lo hara medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convinientes.

4ª. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y Valedero se tome verzon de el en el libro á que corresponde y se en tegue al interesado para su resguardo y demas fines. Dado en Monterey á tremta y uno de Julio de mil ocho cientos curaenta y uno.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR THE STATE OF CALIFORNIA.

I, John C. Hays, surveyor general of the United States, for the State of California, and as such, having in my office and in my charge and custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the nine preceding and hereunto annexed pages of tracing paper, numbered from one to nine inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the City of [L. S.] San Francisco, this thirteenth day of November, 1854.

JOHN C. HAYS,
United States Surveyor General for California.

Filed in office November 21, 1854.

GEORGE FISHER, *Secretary.*

Translation C, P.L. Exhibit to the deposition of M. G. Vallejo.

1839.

Espediente had by Mr. Jacob Leese on application for a tract of land known by the name of Cañada de Guadalupe and Visitacion.

245.

Stamp fourth, one fourth of a real.

Provisionally qualified by the maritime custom-house of Monterey for the years 1839 and 1840.

ALVARADO. ANTONIO MARIA OSIO.

MARITIME CUSTOM PLACE,
Of Eagle House of Monterey.

MOST EXCELLENT SIR:

I, citizen Jacobo Luis de Leese, before your excellency, with due respect, and as the law may favor me best, say:

That being desirous to have a site for the purpose of breeding neat cattle and horses, I solicit the place called La Cañada de Guadalupe y Visitacion, situated in the corner formed by the hill of San Bruno, distant about one league from the Mission of San Francisco, as per the adjoined sketch, excepting the Rincon de las Salinas, as therein shown; the bounds to be, on the north side, the said Rincon; on the west, the main road as far as the mountain pass; on the south, the rancho of Mr. Francisco Haro and that of Mr. José Sanchez; and on the east, the sea.

Therefore, I pray your excellency will be pleased to accede to my application, and I shall be in duty bound, &c. I swear it is not from evil intent, and as required, &c. Monterey, November 14, 1839.

JACOB P. LEESE.

SAN JUAN DE CASTRO,
November 16, 1849.

Let the justice of the peace of San Francisco report on the subject-matter of this petition.

CASTRO.

To His Excellency the Governor of this Department:

MR. PREFECT: In pursuance of your excellency's marginal decree, I have the honor to state that the party to this petition obtains all the legal requisites to be attended to, and that the tract of land which he solicits may be granted to him in consideration that the government of the department has previously given him leave to establish himself thereon previously.

SAN FRANCISCO, *November* 17, 1839.

FRANCISCO GUERRERO.

SAN JUAN DE CASTRO, *November* 19, 1839.

Let it be transmitted to his excellency the governor of the department, in order that his excellency may determine what his excellency may deem right.

JOSE CASTRO.

Stamp fourth ; one quarter of a real.

Provided provisionally by the marine custom-house of Monterey for the years 1839 and 1840.

ALVARADO. ANTONIO MA. OSIO.

MARITIME CUSTOM PLACE,
OF EAGLE HOUSE OF MONTREY.
Monterey, July 31, 1841.

Upon viewing the petition whereunto this espediente begins, the report of the justice of the peace of the port of San Francisco and that of the prefect of the first district, and other proceedings which were had and ought to be revived, in accordance with the law and regulation in the premises, I do declare Mr. Jacob P. Leese owner in full property of the place known by the name of Cañada de Guadalupe la Visitacion and Rodeo Bajo, bounded on the east by the sea, on the west by the main road and (portezuleo) mountain pass, on the north by the rancho of Mr. Cornelio Bernal, and on the south by that of Mr. José Sanchez. Let a corresponding title be issued and recorded in the proper book, and this espediente be transmitted to the most honorable departmental junta for its approval.

Don Juan B. Alvarado, constitutional governor of the department of California, thus did command it, decree, and sign, which I attest.

[Here follows a sketch :]

JUAN B. ALVARADO,
Constitutional Governor of the Department of California.

Whereas Mr. Jacobo Luis de Leese has petitioned for his personal benefit and that of his family the place known by the names of Cañada de Guadalupe, La Visitacion, and Rodeo Viejo, the bounds being, on the east the sea, on the west the main road and portezuelo, on the north the rancho of Mr. Cornelio Bernal, and on the south that of Mr. José Sanchez.

All the steps and investigations concerning thereto being first had according to the requirements of the law and regulation exercising the powers conferred upon me in the name of the Mexican nation, I have granted to him the above mentioned tract of land, declaring to him the ownership thereof by these presents, subject to the approval of the most honorable departmental Junta and to the following conditions :

1st. He may enclose it without detriment to the passages, roads, and easements, enjoy it freely, and exclusively applying it to such use or cultivation as may best suit him, but within one year he shall build a house, and the same shall be inhabited.

2d. He shall apply to the proper officer to give him juridical possession by virtue of this title, by whom the bounds shall be marked out, at the limits of which he shall place, besides the landmarks, some fruit or useful forest trees.

3d. The tract of land whereof mention is hereby made consists of *two sitios de gunado mayor*, a little more or less, as shown in the sketch attached to the espediente.

The officer who may give the possession shall cause the same to be measured according to ordinance, the surplus thereof to remain to the nation for other purposes.

4th. If he shall contravene these conditions, he shall forfeit his rights to the lands, and that shall be liable to be denounced by another.

Therefore I do command that this title, being held good and valid, be recorded in the proper book, and it be delivered to the party for his safety and other purposes.

Given at Monterey on the thirty-first day of July, one thousand eight hundred and forty-one.

Filed in office December 9, 1854.

GEORGE FISHER,
Secretary.

1839.

Espediente Promovido por el C. Cornelio Bernal en Pretencion del Paraje nombrado las "Salinas," 1839, (177.)

Sello tercero, Dos Reales.

Habilitado provisionalmt^{e} por la Aduana Maritima de Monterey, para los años de 1839 y 1840.

ANTONIO MA. OSIO.

ALVARADO.

[SELLO.] Sr. prefecto del 1e distriti de las Californias.

D. JOSÉ CASTRO.

D. P. L.—Exhibit to deposition of M. G. Vallejo, November 17, 1854.

Sr. Juana Castro Octubre 4, de 1839. Informe sobre locontenido en esta instancia el juez de paz de Sn. Francisco y en seguida pase al Admor del Establicimite de Dolores para que esponga lo que. A.

José Cornelio Bernal, Vecim de Sn. Francisco ante V. S. se presente y dice. Que habiendo hecho. solicitud del Rancho Llmado. Las Salinas al fencido gobernador. D. José Figueroa y habiendome dado el mismo señor un documento en calidad de presta mo me he sustenido haste el

V. S. Cocurra. En ansencia del Sor prefecto.
JUAN ANZAR.

presente en dho. rancho y habiendo consultado con el Sor Visitador, y el administrador del referido mision me dicen ql. no necesita el mencionado terreno y acompañando el documento y diseño necesario, suplica. A. V. S. se digne concederme esta mi peticion gracia ql. espero de la conocida condad de V. S. porando lo necesario, &c.

Monterey, 3 de Octubre, de 1839. À vuego del interesado formi.

JORGE ALLEN.

Jusgado de Paz de S. Franco, Obre 8, de 1839.—De conformidad con el de creto que antecede, con respecto à la solitud dire; que el terreno del Rincon de las Salinas hase algun tenpo. que lo posee con el Ciudm. José Cornelio Bernal y en el mismo se harjem bienes, particulares es de temporal, no esta comprendido en las vante le guas limitrofes y si en las diez litorales y dho. Bernal es recomendable por sus serbicios ql. he prestado y esta prestando en esta municipalidad.

FRANCO. GUENERO.

Administracn. del Establicmto. de Dolores, 8 de Octbre, de 1839.

De conformidad con el decreto presell[e] de 4 de Octubre del presente año: el abajo formado dise con respecto á la Solisitud que hace el Cuidno. José Cornelio Bernal ql. no hace falta á este Establicmto. el terreno que hide el espresado: pues el mayor numero de Vrenes (sello tercero Dos Reales Habilitado, provisionalmte. por la Aduana Maritima de Monterey para los años de 1839 y 1840.

ANTONIO MA. OSIO.

ALVARADO.

[SELLO.] Pertenecientes al Establicmte. se haya cituado en el parage llamado los Pilarcitos en la Costa.

JOSÉ DE LA C. SANCHEZ.

MONTEREY, 10 de Obre., de 1839.

Vista la peticion con que da principio este Espedte. el informe del juez de paz de S. Francisco y el del administrador de la Mision de San Franco. con todo lo demas que se tuleo presente y ver conveno de conformidad con las leyes y Reglamentos declarado á Don José Cornelio Bernal dueño en propiedad del parage nombrado.

Las Salinas con el potrero Viego colindante con la mision de S. Franco. el mar y el terreno de la Visitation y su estencion de una legua poco mas ó menos segun esplica el diseño que esta agregado en este Espedte. sugetandose á las condiciones que se estra dan en el titulo. El Sr. D. Manuel Jimeno Casarin pumei vocal,

propietano de la C. junta del Departamento de las Californias en ejercicio del Gobno. del mismo asi lo mandi decretó y formo.

MANUEL JIMENO.

FRANCO. C. ARCE, *Oficial Primero.*

SECRETARIA DE LA JUNTA,
Departmental de las Californias.

MONTEREY, 19 *de Mayo, de* 1846.

Dada cuenta á la E. Junta Departamental acordo en sesion de este dia ql. pasé á la comision de agriculture.

JOSÉ Z. FERNANDEZ, *Srio.*

En 22 del mismo lo debolbio Comision con el dictamen que se acompaña

FERNANDEZ.

[Here follows map.]

[PLACE OF SEAL ON THE ORIGINAL.] Monterey, Eno., dos de mil ochocientos treinta y cinco. Como pl. los antesedantes informes resulta que el terreno pretendido pr. José Cornelio Bernal, es de la propriedad del pueblo de San Franco. de Asis segun sirve de ejido pa. los ganados del comun no ha lugar á su solisitud pa. no podersedar en propriedad pl. el enteresado podrá conservar sus ganados able lo mismo ql. los demas Ciudadanos ó solisiteroá otro parage baldio en cinjo caso se le atendara Hagase saber esta resolucion á la parte y archivese el espedte. el Sor. Dn. José Figueroa General de Brigada Commandte. General Inspector y Gefé superior politico del Territorio de la Alta California asi lo mando decretó y firmó de ql. doy feé.

JOSÉ FIGUEROA.

AUGUSTIN V. ZAMORANO, *Srio.*

Concuerda á la letra con su original del cual luce sacar el presente á predimto. del interesado en Monterey á tres de Enero de mil ochocientos treinta y cinco siendo testigos los Ciudadm. Bonifacio Madariaga y José Ma. Cosco de esta ve ciudad de que doy feé.

JOSÉ FIGUEROA.

E. S.

La comision de agricultura en cargada de determinar en la solisitud del Sor. Dn. Cornelio Bernal vistas las diligencias practicadas pone á la deliberacion de V. E. los articulos siguientes.

Artlo. 1°. Se aprueba la consecion echa an Gobernador Interim Dn. Manuel Jimeno Casarin del terreno y amado las Salinas y potrero Viejo en la persona de Dn. Cornelio Bernal.

Artlo. 2°. Bolbera este Espedte. al Gobierno departamental para los fines conbinientes.

MONTEREY, *Mayo* 20, *de* 1840.

JOSÉ RAFAEL GONZALES.
S. AGUELLO.

MONTEREY, 22 *de Mayo, de* 1840.

En sesion de este dia aprobó la E. Junta Departamental los dos articulos con que con cluye el dictamen anterior.

MANUEL JIMENO CASARIN.

JOSÉ FERNANDEZ, *Srio.*

En 30 del mismo mes se le dio á la parte testimonio de la aprovacion anterior.

Manuel Jimeno Casarin primei vocal de la Exma. pinta del departamento de las Californias en ejercicio del Gobierno del mismo.

Por cuanto el C. Cornelio Bernal ha pretendido para su beneficio personal y el de su familia el parage conosido con el nombre de las Salinas con el potrero Viejo colindante con la Mision de San Francisco el mar y el terreno de la Visitacion practicadas previamente las diligencias y averi guaciones consernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas á nombre de la Nacion Mejicana he venido en concederle el terreno mencionado decla randole la propiedad de el por las presentes letras sugetandose á la aprobacion de la Exma. junta departamental y á las condiciones siguientes.

1°. Podra sercar lo sin per judicar las tranecias serminos y servi dumbres, lo disputara libre y esclusivamente destinandolo aluso ó cultivo que mas le acomode pero dentro de un año fabricara casa y estara abitada.

2°. Solicitana del juez respectivo que de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las moyorneras algunos arboles frutales o silvestres de alguna utilidad.

3°. El trreno de que se hace mencion es de un sitio de ganado mayor poco mas ó menos sejun esplica el diseño que corre en el Expedte. El juez que diere la posecion lo hara medio conforme á ordenanza que dan do el sobrante que resulta á la nacion para los usos convenientes.

4ª. Si contraviniere á estas condiciones per derá su derectro al terreno y sera denunciable por atro.

En consecuencia mando que teniendose por forme y baledero este titulo se tome razen de el en el Libio á que corresponde y se entregue al interezado para su resguardo y de mas fines.

Dado en Montenay á dies de Octubre de mil ocho cientos treinta y nuebe.

Office of the Surveyor General of the United States for California.

I, John C. Hays, surveyor general of the United States for the State of California, and as such having in my office, and under my charge and custody, a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the twelve preceding and hereunto annexed pages of tracing paper, numbered from one to twelve, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this 13th day of November, 1854.

[SEAL.]

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office November 21, 1854.

GEO. FISHER, *Secretary.*

D, PL.—*Exhibit to deposition of M. G. Vallejo.*

1839.

Espediente had by citizen Cornelio Bernal, on application for the place called Las Salinas. (177.)

Stamp third, two reals.

Provided provisionally by the marine custom-house of Monterey for the years 1839 and 1840.

Alvarado, marine custom-House of Monterey. [Place of Eagle.]

Anto. Ma. Asio José Cornelio Bernal, a resident of San Francisco, before your worship appears and says: That having made an application for the rancho called Las Salinas to the late Governor Don José Figuera, and the said Don José Figuera having given me a document therefore by way of a loan, I have resided in the said Ranch up to the present time; and I having consulted with the *visitor* and the superintendent of the said mission, they say that it does not need the said tract; and annexing hereto the document and sketch, as necessary, I pray your worship will be pleased to grant this my prayer, a favor which I hope to receive through the well known kindness of your worship. I swear as required, &c.

MONTEREY, *October* 3, 1839.

At the request of the petitioner I signed.

JORGE ALLEN.

[The following order was written on the margin of the above petition.]

REC. No. 81——15

SAN JUAN DE CASTRO, *October* 4, 1839.

Let the justice of the peace of San Francisco report on the subject-matter of this petition, and next let it be transmitted to the superintendent of the establishment of Dolores, in order to state what may occur to him. In the absence of the prefect,

JUAN ANZAR.

JUSTICE COURT OF SAN FRANCISCO,
October 8, 1839.

In accordance with the foregoing order regarding the application, I have to say, that it is some time ago that citizen José Cornelio Bernal has possessed, with his cattle, the tract of land called the Rincon de las Salinas, and there are on the same private stock. It is dependent on the seasons; it is not comprehended within the twenty border leagues, but in the littoral ones; and the said Bernal is recommendable for the services that he has rendered and is rendering in this municipality.

F. GUERRERO,
Superintendency of the Establishment of Dolores, October 8, 1839.

In conformity with the preceding order of 4th of October of the present year, the undersigned states, with regard to the application made by citizen Jose Cornelio Bernal, that this establishment is not in need of the tract of land petitioned by the said party for the greater number of cattle.

Stamp third, two reals.

Provisionally provided by the marine custom-house of Monterey for the years 1839 and 1840.

Alvarado, Antonio Maria Asio, belonging to the establishment, is on the place called Los Pilarcitos, on the coast.

JOSÉ DE LA C. SANCHEZ.

MONTEREY, *October* 10, 1839.

Upon viewing the petition wherewith this espediente begins, the report of the justice of the peace of San Francisco, and that of the superintendent of the Mission of San Francisco, and other proceedings which were had, and ought to have been viewed in conformity with the law and regulation, I do declare Don José Cornelio Bernal owner in full property of the place called Las Salinas, with the Potrero Viego, bounded by the Mission of San Francisco, the sea, and the lands of the Visitacion.

And its extent is one league, a little more or less, as explained in the sketch which is annexed to this espediente, to be subject to the conditions which shall be set out in the title. Don Manuel

Jimino Casrain, chief member of the honorable junta of the department of California, in exercise of the government of the same, thus did command it, decree, and sign.

MANUEL JIMINO.

FRANCISCO C. ARCE, *Chief Officer.*

OFFICE OF THE SECRETARY OF THE DEPARTMENTAL JUNTA OF CALIFORNIA, *Monterey, May* 19, 1840.

Account having been given of the (Espediente) to the Honorable Departmental Junta, the same resolved, at the session of this day, that it should be referred to the Committee on Agriculture.

JOSÉ Z. FERNANDEZ, *Sec'y.*

On the 22d instant the committee returned it with the accompanying opinion.

FERNANDEZ.

[Here follows a sketch.]

MONTEREY, *January* 2, 1835.

[PLACE OF A STAMP.] As from the foregoing reports it appears that the tract of land petitioned by Jose Cornelio Bernal is the property of the village of San Francisco di Asis, to which it serves as common land for the cattle of the community, his application is not admissible, as it cannot be granted in full property; but the party may retain his cattle there in the same way as the other citizens do, or apply for another place not appropriated, in which case it will be granted. Let this determination be made known to the party, and the espediente be filed. Don Jose Figuera, Brigadier General, Commanding General, and Governor of the Territory of Upper California, thus commanded it, decreed, and signed, which I attest.

JOSE FIGUERA.

AGUSTIN V. ZANURANO, *Secretary.*

It agrees literally with the original, from which I caused the present copy to be made at the request of the party, at Monterey the 3d day of January, 1835. Citizens Brinfario Madarcaga and José Ma. Castro, of this place, being witnesses thereto, which I attest.

JOSE FIGUERA.

EXCELLENT SIR: The Committee on Agriculture, instructed with reporting upon the application of Don Cornelio Bernal, upon viewing the proceedings had thereon, presents for the determination of your Excellency the following articles:

Article 1st. The grant made by the Governor for the time being,

Don Manuel Jimino, of the tract of land called Las Salinas and Potrero Vagi, to the person of Don Cornelio Bernal, is approved.

Article 2d. Let this Espediente be returned to the Departmental Government for expedient purposes.

JOSE RAFAEL GONZALES.
S. ARGUELLO.

MONTEREY, *May* 20, 1840.

MONTEREY, *May* 22, 1840.

At the session of this day the Honorable Departmental Junta approved the two articles wherewith the foregoing report concluded.

M. JIMINO, *President.*

JOSE Z. FERNANDEZ, *Secretary.*

On the 30th of the same month an authenticated copy of the preceding was given to the party.

Manuel Jimino Casarin, chief member of the most Honorable Junta of the Department of California, in exercise of the government of the same:

Whereas, Citizen Cornelio Bernal has petitioned for his personal benefit, and that of his family, the place known by the name of Las Salinas, with the Potrero Viego, bounded by the mission of San Francisco, the sea, and the lands of La Visitacion, all the steps and investigations concerning thereto having been had according to the requirements of the law and regulation, exercising the powers which were conferred upon me in the name of the Mexican nation, I have granted to him the above mentioned tract of land, declaring to him the ownership thereof by these presents, to be subject to the approval of the most Honorable Dept. Junta, and to the following conditions:

1st. He may enclose it without detriment to the passages, roads, and easements, enjoy it freely and exclusively, applying it to such use or cultivation as may best suit him, but within one year he shall build a house, and the same shall be inhabited.

2d. He shall apply to the proper officer to give him juridical possession by virtue of this title, by whom the bounds shall be marked out, at the limits of which he shall place, besides the land marks, some fruit or useful forest trees.

3d. The tract of land, of which mention is hereby made, consists of one sitio de Ganada Mayor, a little more or less, as explained in the sketch attached to the Espediente. The officer who may give the possession shall cause the same to be measured according to ordinance, the surplus thereof to remain to the nation for convenient purposes.

4th. If he shall contravene these conditions, he shall forfeit his right to the lands, and they shall be liable to be denounced by another.

Therefore, I do command that this title, being held as good and

valid, record thereof be made in the book to which it corresponds' and it be delivered to the party interested, for his safety and other purposes.

Given at Monterey on the 10th day of October, 1839.

Filed in office December 9, 1854.

GEORGE FISHER, *Secretary.*

1845.

Espediente promovido por Dn. José de Jesus Noe en Pretencion de un Torreno immidiato a la Ex. Mision de Dolores, (494.)

ANGLS., *Junio* 14 *de* 1845.

Pase à informe del juez de S. Franco. quien al. hacerlo para conocer à los colindantes esta solisitud pa. qe. no perjudique à la propiedad qe. obtiene asi como tendra presente dho. juez cualquiera otra solisitud qe. este en trermites y tenga relacion con este mismi parage qe. se pretende y concluido vuelva al Gobno.

PICO.

Exmo. Sor. Gobernador Into. del Departamto. de Californias.

José de Jesus Noé Mejicani por Nacimnto. y cibe sin dado en San Franco. de Asis. Ante V. E. pase presente de que siendo dueño de un numero de ganado y Caballada y como estos bienes ban acresen tando y no tener a donde ponerlos solicita de V. E. de que en uso de sus facultades le conseda un situ de ganado mayor en el terreno que se halla valdio al O. y. N. O. del Establicimto. de Dolores colindando con los Ranchos de los Ciudo. Francisco de Haro, Roberto Ridley, y José Cornelia Bernal, segun el diseño qe. a compaña en su solicitud y marjen del mer O. A. V. E. suplica rendidermente el esponiente le conseda esta gracia por tener bastante familia la que recibira este beneficio de V. E. no siendo en papel sellado por no haver lo puando lo necessario, &c. Sr. Franco., Mayo 28 de 1845.

S. DE JESUS NOÉ.

Jusgada 2d Constitucnl. de Yerba Buena. En Vista del supo. Decreto que antecedo y en cumplimiento de lo que en el se previene debo decir: que haviendose echo saber à los colindantes del terreno que solicita la parte interesada y confrontada sus respectivos diseños; resulta que no les perjudica; dho. terreno es de los que reconoce por de su propiedad la Ex-Mission de S. Francisco; esta valdio de la presente; mas estando contiguo con el que tiene solisitado el Ciudadano Benito Dias; segun haecho presente à este jusgdo. y que su solicitud esta tramites; al haber sido confrontadas las Solicitudes de ambos quedaron convenidos en que no so perjudicem La parte contenida en este poceo los requisitos de ley para ser atendido; lo que se pone en el superior Conocimiento de S. E. cumpliendo con lo dispuseto por dho. dcto. y para fines que convenga.

Yerba Buena, Agosto 28 de 1845.

F. DE LA C. SANCHEZ.

ANGELLES, *Diciembre* 23 *de* 1845.

Vista la peticion con que da principio este expediente el informe del alcalde 2d. de Sn. Francisco con todo lo demas que se tubo presente y ver convino; de conformidad con la ley de 18 de Agosto, 1824, y Reglamento de 21 de Noviembre de 1828, declaro á Dn. José de Jesus Noé dueño deum sitio de ganado mayor en un terreno immidiato á la ExMision de Dolores, colindando con tierras del Dn. Francisco de Haro, Roberto Riddle, y José Cornelio Bernal. Libre sele el titulo correspondiente y reservese el expediente para someterlo á la aprobacion de la Exma. Asemblea Departamental.

Pio Pico, gobernador provicional de las Californias, asi lo mandé decreté y formé de que doy feé.

PIO PICO.

JOSÉ MA. COVARRUBIAS, *Srio.*

[Here follows map.]

6. Pio Pico, Vocal decano de la Asemblea Departamental y gobernador provisional de las Californias.

Por cuanto Dn. José de Jesus Noé ha presendido para su beneficio personal y el de su familia, un terreno immidiato á la Ex. Mision de Dolores y de la estencion de un sitio de ganado mayor; practicadas previamente las diligencias y averiguacio nes con sernientes, usando de las faculta des que me son conferidas á nombre de la nacion Mejicana, he venido por decreto de este dia en concederle el espresado terreno, declaremdole la propiedad de el por las presentes letras, de conformidad con la ley de 18 de Agosto de 1824, y Reglamento de 21 de Noviembre de 1828, á reserva de la aprobacion de la Exma. Asemblea Departamental y bajo las condiciones siguientes:

1a. Podra cercarlo sin perjudicar las travecias, cerminos y servidumbres. lo disputara libre y esclusivamte destinandolo al uso y cultivo que mas le acomode.

2a. Solicitarà del jurez respectivo le de la posecion judicial en vertud de este despacho, por el cual se demarcarem los linderos con las mojoneras necesarias.

3a. El terreno de que se le hace donacion es de la estension de un sitio de ganado mayor el mismo que esplica el diseño que atra en el espediente y colinda con tienas de Dn. Francisco de Haro, Roberto Riddle, y José Cornelio Bernal.

El juez que lo posesione lo hará medir con arreglo á ordenanza.

En concecuencia mando que teniendose el presente titulo por forme y valedero se tome razon en el libro respectivo y se entre que al interesado para su resguardo y demas fines. Dado en la Ciudad de los Angeles, en este papelc omun por falta del sellado á veinte tres de Diciembre de mil Ochocientos cuarentar y cinco.

PIO PICO

JOSÉ MA. COVARRUBIAS, *Srio.*

Queda tomada Razon de Este titulo en el libro respectivo.

ANGELES, *Mayo* 8 *de* 1846.

Dado cuenta en Sesion de hoy con este Espediente à la E. Asamblea Departamental se manda pasar à la Comision de terrenos Valdios.

PIO PICO, *Presdte.*
AGUSTIN. OLVERA, *D. S. E. O.*

La Comision de terrenos Valdios se ha impuesto detenidamente del Espediente relativo à un terreno inmidiato à la Ex. Mision de Dolores, promovido pr. el C. José de Jesus Noè epre le fuè concedido pr. el supr. Gobm. Departmental con arreglo à las leyes de la Materia en Este consepto porre à la deliveracion de V. E. la proposicion Sigto. sea prueba la concesion hecha al C. José de Jesus Noé del parage immidiato á la Ex-Mision de Dolores en estencion de un sitio se ganado Mayor segun titulo librado con fha. 23 de Dbre., del año po. pdo. de entera conformidad con la ley de 18 de Agosto de 1824, y el Artlo. 5° del Reglamento de 20 de Nbre. de 1828.

Sala de Comisiones en la Cuidad de los Angls., Mayo 22 de 1846.

S. ARGUELLO.

ANGELES, *Junio* 3 *de* 1846.

En sesion de este dra aprobs la Exma Asemblea Departmental la proposi ceon del dictamen emtenor.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, now having in my office, and under my charge and custody, a portion of the archives of the former Spanish and Mexican Territory, or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the nine preceding and hereunto annexed pages of tracing paper, numbered from one to nine inclusive, exhibit a true and accurate copy of a certain document now on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officiallyf and caused my seal of office to be affixed, at the city o San Francisco, this thirteenth day of November, 1854.

[SEAL.]

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office, Nov. 21, 1854.

GEO. FISHER, *Secretary.*

Translation of E. PL, exhibit to deposition of M. G. Vallejo.

1845.

Espediente had, by Mr. Jose de Jesus Noe, on application for a tract of land adjoining the Ex-Mission de Dolores, 495.

To his excellency the governor ad interim of the Department of the Californias:

ANGELES, *June* 14, 1845.

Let this petition be sent to the judge of San Francisco for his report, who, in making it, will apprise the bordering land owners of this petition, in order that their interests may not be prejudiced. And the said judge will likewise bear in mind, and other petitions which may now be under advisement, and which may have any relation to the same land herein solicited. This being done, let the document be returned to the government.

(Signed,) PIO PICO.

José de Jesus Noe, a Mexican by birth, and resident of San Francisco de Asis, to your excellency represents that, being the owner of a quantity of cattle and horses, and this stock being increasing, and he having no place wherein to keep them, he solicits your excellency that in the exercise of your powers you may grant him one square league of land of the land which is vacant lying west and northwest of the establishment of Dolores, bounding the ranchos of the citizens Francisco de Haro, Roberto Riddle, and Jose Cornelio Bernal, agreeably to the sketch which accompanies this petition; and is bounded by the ocean on the west. The petitioner humbly requests your excellency to grant him this, as he has a large family, who will thus receive this benefit from your excellency, this document not being written on stamped paper, because there is none. Swearing as necessary, &c. San Francisco, May 28, 1845; signed José de Jesus Noe, 2d constitutional court of Yerba Buena Novino, of the foregoing superior order. And in fulfilment of its provisions, I must say, that having made known to the bordering land owners the petition made by the interested party, and after due examination of the respective plats, it appears no injury can result to them therefrom; said land is that which is known as property of the Ex-Mission of San Franciso. At present it is vacant; but being adjoining to that claimed by the citizen Benito Diaz who has so, represented it before this court, and whose petition is under advisement. Having compared both claims, they were satisfied that they did not interfere with each other. The interested party possesses the requisite conditions of the law to be attended to, which I communicate to the superior knowledge of your excellency; thus complying with the instructions of said decree and further ends.

YERBA BUENA, *August* 28, 1845.

(Signed,) JOSE DE LA CRUZ SANCHEZ.

MONTEREY, *December* 23, 1845.

Having seen the petition with which this espediente begins, the report of the 2d alcalde of San Francisco, with whatever else was thought fit to be seen, in conformity with the law of the 18th of Aug., 1824, and the regulation of the 21st of Nov., 1828, I declare Don Jose de Jesus Noe owner of one square league of land, *sitio de Ganado Mayor*, in the tract of land near the Ex-Mission of Dolores,

bordering with the lands of Don Francisco del Haro, Roberto Riddle, and José Cornelio Bernal.

Let the corresponding title be delivered, and let the Espediente be kept to submit it to the approval of the most excellent Departmental Assembly. Pio Pico, provisional governor of the Californias, thus ordered, decreed, and signed; of which I certify.

(Signed,) PIO PICO,
(Signed,) JOSÉ COVARRUBIAS, *Sec'y.*

(Here follows a map in the original Spanish.)

Pio Pico, senior member of the Departmental Assembly and Provisional Governor of the Californias.

Whereas Don José de Jesus Noe, has solicited, for his personal benefit and that of his family, a tract of land near the Ex-Mission of Dolores, of the extent of one square league (Sitio de Ganado Mayor) having previously had the necessary investigations, in the exercise of the powers in me vested in the name of the Mexican nation, I have thought proper in a decree of this day to grant to him the said land, declaring it to be his property by these present letters, in conformity with the law of the 18th of August, 1824, and the ordinance of the 21st November, 1828, subject to the approval of the Most Excellent Departmental Assembly, and under the following conditions:

1. He may fence it without prejudice to the crossings, roads, and servitudes; he may enjoy it freely and exclusively, putting it in such cultivation as he may think fit.

2. He shall solicit of the respective judge to give him juridical possession by virtue of this despatch, by whom the boundaries shall be marked out with the necessary land marks.

3. The land of which donation is made is of one (Sitio de Ganado Major) square league of land, the same shown by the sketch accompanying the espediente, and borders with the lands of Don Francisco de Haro, Roberto Riddle, and Jose Cornelio Bernal. The judge who may give possession will have it measured according to ordinance. Therefore I order that, the present title being held as firm and valid, that due note of it be made in the respective book, and that it be delivered to the interested party for his security and other ends.

Given at the City of Los Angelos, (on this common paper for want of stamped) on the twenty-third day of December, one thousand eight hundred and forty-five.

PIO PICO.

Due note of this title has been taken in the respective book.
JOSÉ MARIA COVARRUVIAS,
Secretary

ANGELES, *May* 8, 1846.

This espediente having been reported to the Most Excellent Departmental Assembly in its session of to-day, it was ordered that it should pass to the committee on vacant lands.

PIO PICO.

AGUSTIN OLVERA, *Secretary.*

MOST EXCELLENT SIR: The committee on vacant lands have carefully considered the espediente relative to a tract of land near the Ex-Mission of Dolores, instituted by the citizen José de Jesus Noe, and which land was granted to him by the Superior Departmental Government, in accordance with the laws on the matter, and therefore, they submit to your excellency's deliberation the following proposition:

The grant made to José de Jesus Noe of the place near the Ex-Mission of Dolores, of the extent of one square league (Sitio de Ganado Mayor,) according to the title issued on the 23d day of December of last year, in entire conformity with the law of the 18th of August, 1824, and the 5th article of the regulations of November 20, 1828, is approved.

Committee hall at the City of Los Angeles, May 22, 1846.

S. ARGUELLO.

ANGELES, *June* 3, 1846.

In session of this day, the Most Excellent Departmental Assembly approved the proposition of the foregoing report.

Filed in office December 9, 1854.

GEORGE FISHER, *Secretary.*

Sello tercero, Dos Reales:

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinci.

ANGEL RAMIREZ,

CASTRO. *S. Gefe Supr. Politico.*

Espedt. B. P. L.—Exhibit annexed to depo. of Aaron Van Dorn, Nov. 27, 1854.

Monterey, Febrero 23, de 1836. Informe el administrador de la exmision de Sn. Francisco de Asis devolviendo el espedt. para su resolucion El Sòr Dr. Nicolas Gutierrez, gefè super. politico de la Alta California asi lomando, decreto y firmo de que doy fee. Nicolas Gutierrez Fco. del Costillo Negrete, Srio.

El Cm. Francisco de Haro ante V. S. en devida forma compare se y espone que en consideracion á hacer mas de un año que se pre

sento à la superora. del territorio solicitando se le consediese la propiedad del parage ò terreno de S. Mateo ò S. Pedro è del corral de tierra en la Costa (en defecto de uno. otro) teniendo à la vista que el primero lo ocupan los Indigenas del Pueblo de Dolores para sus siemhas; y el tercero tembien con ganado del mismo pueblo en tal concepto estando tren satisfecho de que el de Sn. Pedro, hace muchos años como lo a credita la notoriedad esta Valaio y desocupado pr. dho. pueblo. En Esta Virtud ocune à las beneficas consideraciones de V. S. à fin de que en uso de sus facultades se digne consederle la propiedad del Espresado terreno de S. Pedro en ostencion de dos leguas de Nte. à Sr., segun el diseno que a compaña para establecer en el los Vienes de su pertenencia qe. posea en suficiente numero para poblarlo. Por tanto. À. V. S. suplico se digne pacerle la gracia que pide si fuere de justicia perono ser de malicia y lo ne ce sr., &c.

Puerto de Sn. Francisco, 22 de Noviembre de 1835.

FRANCISCO DE HARO.

[Here follows map.]

Office of the Surveyor General of the United States for California.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the three preceding and hereunto annexed pages of tracing paper, numbered from one to three, inclusive, exhibit a true and accurate copy of extracts from a certain espediente, entitled, Espediente sobre el terreno llamado Sr. Pedro solicitado por D. Francisco de Haro, 86, said document now being on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed may name officially, and caused my seal of office to be affixed, at the [L. S.] city of San Francisco, this twenty-third day of September, 1854.

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office November 28, 1854.

GEORGE FISHER, *Secretary.*

Translation of B, PL, Exhibit annexed to the deposition of A. Vandorn.

Stamp Third. Two Reals.

Provisionally authorized by the administration of the maritime custom-house of Monterey, of Upper California, for the years eighteen hundred and thirty-four and eighteen hundred and thirty-five.

CASTRO. ANGEL RAMIREZ.

MONTEREY, *February* 23, 1836.

Let the administrator of the Mission of San Francisco de Asis report returning the record of proceedings espediente for its final action. Senor Don Nicolas Gutierrez, superior political chief of Upper California, thus ordered, decreed, and signed, of which I certify.

NICOLAS GUTIERREZ.

FRANCISCO DEL CASTILLO NEGRETE, [RUBRIC.] *Secretary.*

Senor Superior Political Chief:

The citizen Francisco de Haro before your lordships in due form appears and says:

That whereas it is now one year since he presented himself before the superior authority of the territory, solicited for a grant in full property of the place or tract of land of San Mateo, or San Pedro, or El Corral de Tierra, on the coast, one of three to be granted, and it now appearing to him that the first is occupied by the natives of the Pueblo of Dolores with their sowings, and the third likewise is occupied by the same Pueblo with their cattle, and since he is satisfied that that of San Pedro is and has been vacant and unoccupied by said Pueblo for many years, as is publicly notorious, he, therefore, applies to your lordship's benevolent considerations, in order that in the exercise of your powers you may be pleased to grant to him the said land of San Pedro, in extent of two leagues from north to south, according to the accompanying sketch, in order to put thereon the property which he possesses, which is a number sufficient to occupy it.

Therefore, he prays your lordship that you be pleased to grant him the farm, which he asks if it be of justice.

I swear not to proceed in malice, as necessary, &c.

PORT OF SAN FRANCISCO, *November* 22, 1835.

(Signed,) FRANCISCO DE HARO.

[Here follows a map in the original Spanish.]

Filed in office December 9, 1854.

GEORGE FISHER,
Secretary.

Espediente sobre El Terreno clamado "Sr. Pedro," solicitado por Dr. Francisco de Haro.

Sello tercero, Dos Reales.
Habilitado provisionalmte. por la aduana maritima de Monterey, de la Alta California, para los años de mil ochocientos treinte y cuatro y mil ochocientos treinta y cinco.
CASTRO. ANGEL RAMOREZ.

MONTEREY, *Feberro* 23 *de* 1836. Informe el administrador de la Ex. Mision de San Francisco de Asis, devolviendo el Espediente para su resolucion. El Sor. Dn. Nicolas Gutierrez, Gefé superior politico de la Alta California asi lomando, decreto y firmo de que doy fee.
NICOLAS GUTIERREZ.
FCO. DEL CASTILLO NEGRETE, *Srio.*

S. Gefé, supor. Politico.—El Cno. Francisco de Haro, ante V. S. en devida forma comparese y espone que en consideracion à hacer mas de un año que se presento à la suprdal. del Territorio solicitando se le considiese la propiedad del parage ò terreno de S. Mateo ò S. pedro ò del Corral de tierra en la Costa, (en defecto de uno atro,) teniendo à la Vista ql. el primero lo ocupan los Indigenas del pueblo de Dolores para sus siemhas y el tercen tambien con ganado del mismo pueblo. En tal concepto estando bien satisfecho de que el de Sr. pedro, hace muchos años como lo acredita la notoriedad esta Valdio y des ocupado, pl. atro pueblo; en esta Virtud acune á las beneficas consideracns. de V. S. á fin de que en uso de sus facultades se digne concederle la propiedad del Espresado terreno de Sr. pedro en estencion de dos leguas de Nte. á Sr. segunel deseño que a compaña para estableca en el los Vienes de su pertenencia que poceo en suficiente numero para poblarlo. Por tanto. A. V. S. suplico se digne hacerle la gracia que pide si fuese de justicia puo no ser de malicia y lo necesario, &c.
Puerto de Sn. Franco., 22 de Noviembre de 1835.
FRANCISCO DE HARO.

En Virtud del superior decreto de V. S. que previene pase al administrador de este Ex-mision, este Espediente pa. ql. informe; dise que el solicitante tiene los requisitos necesarios nos por ser Cuidadm. mejicano de nacite el terre no que solicite pertenese á esta comunidad es de abrevadero sembradio, no esta comprendido en las Viente leguas limitrofes y si en las diez litorales; dista de esta poco mas de cuatro leguas y si la ocupa la Espresada con la Caballada Manso por ser lugar mas immidiato de este y de la Costa, que sorve de punto medio para el serbicio de uno y otro, po. con motibo de no estar señalados los ejidos ò propio ql. me parese

deben quedar á esta caundo se elijeen. Pueblo es lugar ql. la mencionada comuni. Sello tercen Dos Reales: Habilitado provicionalmente por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

CASTRO.
ANGEL RAMIREZ.

—dad ha ocupado y lo esta. con lo ql. llevo espuesto. San Franco. de Asis, Marzo 9 de 1836.

GUMDO. FLORES.

MONTEREY, *Marzo* 14, *de* 1836.

En vista del informe que antesede no ha lugar á la solisitud del Co. Francisco de Haro. Hajase saber á la parte y archive se el Expedte. El sor. Dn. Nicolas Gutierrez Gefé politico interim del Territorio asi lo mendó decreto y firmó de lo que doy fee.

NICOLAS GUTIERREZ.
FCO. DEL CASTILLO NEGRETE, *Srio.*

En la misma fecha se le luzi saber al interesado por medio de un oficio.

CASTILLO.

[Here follows map.]

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the four preceeding and hereunto annexed pages of tracing paper, numbered from one to four, inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

There is a map attached numbered also as number four.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed at the city of San Francisco, this fourteenth day of February, 1855.

[SEAL.]

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office February 13, 1855.

GEORGE FISHER, *Secretary.*

Translation of espediente.

Espediente relative to the tract of land called San Pedro, solicited by Don Francisco de Haro. (86.)

Seal third, two reals.

Provisionally authorized by the administration of the maritime custom-house at Monterey, in Upper California, for the years one thousand eight hundred and thirty-four and one thousand eight hundred and thirty-five.

(Signed,) CASTRO. (Signed,) ANGEL RAMIREZ.

Senor Superior Political Chief:

Citizen Francisco de Haro appears before your excellency in due form, and represents that, in consideration of its being more than a year since he appeared before the superior of the Territory praying the grant of the ownership of the place or tract of land called San Pedro, or San Mateo, or Corral de Tierra, upon the coast, (if not one the other;) and being aware that the first is occupied by the Indians of the pueblo of Dolores for their sowings; and also the third is occupied with the herds of the said pueblo, he, therefore, being well satisfied that that of San Pedro for many years, as is publicly known, has been vacant and unoccupied by said pueblo, in virtue whereof he applies to the beneficent considerations of your excellency to the end that, in the exercise of your powers, you may be pleased to grant him the ownership of the aforesaid San Pedro to the extent of two leagues from north to south, according to the diseño which he accompanies, to place, thereupon the property which he owns, which is sufficient in number to occupy it, wherefore he prays your excellency to be pleased to confer upon him the favor which he asks if it be just.

He swears no malice, and the necessary, &c.

Port of San Francisco, November 22, 1835.

(Signed,) FRANCISCO DE HARO.

(Marginal decree.)

MONTEREY, *February* 26, 1836.

The administrator of the Ex-Mission of San Francisco de Asis, will report, returning the espediente its decision, Don Nicolas Gyiterrez, superior political chief of Upper California, thus ordered, decreed, and signed it, whereby I attest.

(Signed,) NICOLAS GUITERREZ.

" FCO. DEL CASTILLO NEGRETE,
Secretary.

4º. Se esceptua del arriendo que espresa el articulo anterior el edificio principal de la mission de Santa Barbara, y el Gobierno arreglará el modo que sea mas conforme al local que de el se deba suplir para habitaciones y demas comodidades del ilustrisimo Sor. Obispo y familiare y el que deba servir á los Rdos. Pdre., misioneros que actualmente habitan en dho. oficio principal.

Asi mismo del producto total del amendomento de los demas intereses de dha. mision se invertera por mitade sima á beneficio de su Iglecia y asistencia de su ministro y la atra á las de sus Indios respectivos.

5°. El producto de los arriendos de ql. se hace referencia en el articulo 3° sera divida en tres partes guales y el mismo Gobierno destinara una de ellas á la mantencion del R. P. ministro y conservacion del culto divino, otra para los Indios y la ultima para que el Gobierno departamental dedique precisamente en enseñananza y beneficencia publica pagadas que sean las respectivas dendas legales que cada una tenga.

6°. La tercera parte de que habla el articulo 5°, destinado para mantencion de los R. R. P. P. ministros y á sistencia del culto divino, se pondrá á disposicion de los R. R. P. P. prelados respectivos para ql. de ella formen un fondo general y lo distribruyan equitativamente en los objetos indicadas.

7°. Á las antoridades ó ministros eccleciasticos si los hubrere en las misiones á que se contrae el articulo 1°. ó las de las mas inmidiatas persona que mere con la confianza del Gobiesno les será en comendada, por el mismo el cuidado de que se publique el referido bando y de que den cuenta immidiatamente con la resultada en lo relativo á haberse ó no presentado los referidos Neofitos en el termino fejado para con vista de sates documentos procederse á lo que comenga.

8°. El Gobierno ecsijira memisible y ejecutivamente como lo tiene dispuesto ya esta Exma. asamblea en ser á cuerdo de 24 de Agosto de 1844, los intereses que algunos particulares á dendan á todos las misiones en general y dispondrá de ellos para el mismo objeto prevenido en la ultima parte del articulo quiosto.

Y habiendo solicitado en el acto el Señor Botello que atendiendo á que este esun asunto que requeria brevedad por sus mismas circumstancias suplicabase le dispensasen los tramites del juramento que tomado en consideracion pomeridose desde luego á discusion y previos los requisitos respectivos declarandola suficient emente discutida hubo lugar á votar y quedo aprobada á pluralidad absoluta acordando se comunique al Exmo. Señor pa. que lo tenga entendida y disponga se publique cerculle y tensenga su de bida cumplimiento.

Y concluido el acto se levanto la sesion, entre renglones. Templos y sus, pertenencias vale y casa municipal á virtud de terrenos que el Gobierno precisamte. señalará vale.

PIO PICO, *Presdte.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the four preceding and hereunto annexed pages of tracing paper numbered from one to four, inclusive, exhibit a true and accurate copy of an extract from an unbound book, entitled "1845. Cuademo ó libro de Actos de Sesiones Publicas Correspondientes al Presente Año," now on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, [SEAL.] and caused my seal of office to be affixed, at the city of San Francisco, this twentieth day of November, 1854.

JOHN C. HAYS,
United States Surveyor General for California.

Filed in office November 28, 1854.

GEORGE FISHER, *Secretary.*

Translation of Proceedings of the Departmental Assembly, May 28, 1845, *relative to the Missions.*

Session of the 28*th of May,* 1845.

The proceedings of the 26th having been approved, a second reading was given to the reports of the committee on vacant lands, which are found in the Espedientes; one of the citizens, Ygnacio Coronil, and the other of the citizen by naturalization, Juan Roland, the propositions of which appear in the foregoing proceedings, which reports being put under discussion were unanimously adopted.

The report of the special committee relative to the missions made by Messrs. Boletto and Figueroa was read, which consists of eight articles as follows:

1st. The departmental government will cause the neophytes of the missions of San Rafael Dolores, Solidad, San Miguel, and La Purisima to be summoned to a public edict, which shall be published, giving them the term of one month from the date of its publication in the respective missions, or in the nearest ones, to occupy and cultivate them, adverting to them that if they do not do it they shall be declared as having no owner, (*pristun cas,*) and the assembly and departmental government will dispose of them as will seem best for the general good of the department.

2d. El Carmelo, San Juan Bautista, San Luis Obispo, San Juan Capistrano, and San Francisco Solano, shall be considered as pueblos, as such is their character at present.

And of the real property thereof, the government, after having a sufficient location for curate's house, churches, and appurtenances, and for a municipal hall, will proceed to sell the remainder at public auction, the products of which shall be invested in the payment of their respective debts, and the surplus, if any, to remain for the benefit and preservation of divine worship.

3d. That the other missions, to that of San Diego inclusive, may be leased out at the option of the government, leaving to this authority the power of establishing the manner and form in which this may be done, having in view the prosperity of said establishments.

The respective neophytes being left at full liberty to employ themselves in the manner which may best suit them, either in the service of the same lessee or in their own business, attending to the lands which the government will designate to them, or in the employ of any other individual.

4th. The principal building of the mission of Santa Barbara is exempted from the lease mentioned in the foregoing article, and the government will designate, in the manner which will be most satisfactory, the portion of it which must be resumed for the residence and other accommodation of the right reverend bishop and his clergy, and for that of the reverend fathers missionary who actually reside in said principal building.

Likewise the proceeds of the lease of the remaining property of said mission shall be used—one half for the benefit of its church and the maintenance of its minister, and the other half for the benefit of its respective Indians.

5th. The proceeds of the leases of which mention is made in article 3d, shall be divided into three parts, and the same government will set apart one of them for the maintenance of the reverend father minister and the preservation of divine worship, another portion for the Indians, and the remaining one to be used by the government for educational and public beneficent purposes, after having paid their respective legal debts.

6th. The third portion spoken of in article 5th, which is to be dedicated to the maintenance of the reverend father ministers and the preservation of divine worship, shall be placed at the disposal of the reverend fathers respective prelates, in order that they may form a general fund of it, to be equitably used for the object indicated.

7th. The government will request of the authorities, or of the ecclesiastical ministers, if there be any in the missions to which article 1st refers, or in the nearest ones, or of the persons who may desire the confidence of the government, to publish the said edict, and to give immediately an answer with regard to the result,

as to whether the said neophytes have or not presented themselves within the time specified in order that, in view of this, the government may proceed to do what it may think proper.

8th. The government will, without exception, and summarily, as provided by the most excellent departmental assembly in a resolution of the 24th of August, 1844, require of those individuals who may have assets belonging to the missions in general, to deliver them, which assets shall be used for the object expressed in the parts of article 5th; and Mr. Boletto having, in the act, moved that in consideration of this being a subject which, from its very nature, required speedy action, he begged that the various seals might be dispensed with, and it was taken under consideration and forthwith put to discussion; and after having had the proper requisites, after declaring it sufficiently discussed, it was put to vote and was approved by plurality resolving that it be communicated to his excellency the governor, in order that it may be understood, and that he may order its publication and circulation, and have its due fulfilment.

And this act being concluded, the session adjourned.

(Signed) PIO PICO.

Filed in office December 9, 1854.

GEORGE FISHER, *Secretary.*

MISSION DOLORES.

Letter from the minister of justice and public instruction.

MINISTERIO DE JUSTICIA E INSTRUCCION PUBLICA, E. S.:

Ha llegado á noticia del E. S. presidte. que el gobierno de ese departamento ha dispuesto sacar á publica subasta todos los bienes pertenecientes á las misiones del mismo que el antecesor de V. E. habia maudado devolva á los respectivos misiones para el manejo y admor de sus temporalidades; en consecuencia se ha seroido prevenirme que ese gobiernose sirba informar sobre estos particulares, suspendrendo desde luego todo pro decimiento en cuanto á enagenacion de los bienes de que sa trata hasta la resolucion del supremo gobierno. Tengo el honor de decirlo á V. E. con los fines indicados protestandole mi consideracion y aprecio. Dios y libertad. Mejico, Novembre 14 de, 1849.

MONTEO DEOCA.

E. S. GOBERNADOR DEL DEPARTAMENTO DE CALIFORNIAS,
Puerto de Monlerey.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES
for California.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed page of tracing paper, numbered one, exhibits a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name
[L. S.] officially, and caused my seal of office to be affixed at the city of San Francisco, this 17th day of March, 1855.

JOHN C. HAYS,
United States Surveyor General for California.

Filed in office March 7, 1855.

GEO. FISHER, *Secretary.*

Translation of letter from the Minister of Justice and Public Instruction.

MINISTER OF JUSTICE AND PUBLIC INSTRUCTION:

MOST EXCELLENT SIR: His excellency the president has received information that the governor of that department has ordered that the property belonging to the missions thereof be put up for sale at public auction, which your predecessor had ordered to be returned to the respective missionaries for the direction and administration of their temporalities.

Therefore, he has deemed proper to direct me to say that the said governor will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforementioned property till the determination of the supreme government.

I have the honor to communicate it to your excellency for the purposes indicated, protesting to you my consideration and esteem.

God and liberty. Mexico, November 14, 1845.

(Signed) MONTES DEOCA.

To his Excellency the Governor of the Department of the Californias, port of Monterey:

I, George Fisher, secretary, hereby certify officially that the foregoing is a true and correct translation of a document in case No. 81, James R. Bolton *vs.* The United States, now on file in this office.

Witness, San Francisco, California, March 8, 1855.

GEORGE FISHER, *Secretary.*

Filed in office March 7, 1855.

GEORGE FISHER, *Secretary.*

MISSION DOLORES.

Extract from the record of proceedings of the Departamental Assembly.

Sesion del dia 30 de Marzo, de 1846.

Apovada la acta del dia 23 de Marzo, se le dio lectura al Dictamen de la Comicion de Misiones haciendo algunos observaciones en su parte espositiva relativas al proyecto de decreto presentado por el Señor Bandini en ca sesion anterim que trata de misiones concluendo la comision con la peticion seguiente: Pide que se ponga á discusion el proyecto del Señor Bandini en los mismos terminos que este consebido protestando el presidente. de dicha comision que no pueda dar su voto en favor por no ser conforme consumodo de pensar y pedido por el Señor Tergueroa se le dispensela segunda lectura, admitida y estendida el voto particular del Señor Arjuello que dice. No cominiendome con el segundo parrafo de la parte espositiva, sugeto mi voto particular á la discusion, á la que se puso la proposicion mencionada del Señor Bandini la cual concluyo con los articulos siguientes.

1°. Se autoriza al Gobierno para que haga efectivo el objeti del decreto de 20 de Marzo del año po. par. espedido por esta honorable asamblea relativo á misiones y á cuyo fimen lo impracticable del amendo prevenido en el atro. 5° de dicho decreto el Gobierno del Departamento ó hara del modo que crea sa mas conveniente para evitar la ruina total de las misiones de San Gabriel, San Luis Rey, San Diego y las demas que se hallan en iguales circumstancias.

Sin discusion fué aprobada.

2°. Como los demas de dichos establicimientos tienen grandes creditos en su contra si sus existencias no fuesen suficientes á cubroi sus dendas calificadas se tendra presente lo que disponen las leyes con respecto á quiebras y se procedena conforme á ellos.

Sin discusion fué.

3°. Si de la autorizacion del Gobierno resultase que este, por cirtar la total distruccion á que camman las dichas misiones determinase la renta de ellas á particulares se verificará á remate publico presidiendo los avisos a costumbrados.

Sin discusion fué aprobada.

4°. En el Caso de Venta despues de satisfechas las dendas si hubiese sobrante se repartirara á los Indios de la comunidad de la finca vendida valiendose el Gobierno del modo que sea mas compatible á la justæ distribuccion.

Sin discusion fué aprobada.

5°. En todo caso siempie se tendra presente asegurar lo necesario á la subsistencia de los padres ministros y gastos para la conservacion del sulti divino, pudiendo el Gobierno determinai una parte del total fincasija consista en tienas de lavor bienes, Raisesu otras que á juicio del Gobierno oyendo y atendiendo á los religiosos respectivos, ase guren ambos objetos.

Sin discusion fué aprobada.

6°. Las fincas que se determinen conforme al presidente artlo. seran entregadas como en venta asenso perpetuo al Cuatro por ciento. Este producto precisamente será aplicable á lo que previene el mismo artloc 5.

Sin discusion fué aprobada.

7°. Queda en todo su valor y fuerza lo practicado hasta ahora segun lo dispuso el decreto de la Honorable Asamblea de 28 de Mayo citado y el presente en nada altera á los contratos y disposiciones tomadas por el Gobierno con arreglo al propio decreto de Mayo de 1845, ni para lo subsecivo impidira lo que sepueda practicar conforme á el.

Sin discusion fué aprobada.

8°. El Gobierno salvara los inconvintlo. que no se heyan podido prover por el presente decreto y á los mas dentro de seis meses mientras diera su ejucecion dara cuentra á esta Honorable Asamblea de los resulta dos en su cumplimiento.

Sin discusion fué aprobada.

Y no habiendo otra cosa de que ocuparse por hoy se levante la sesion á que no asistieron los senores abrego por hallarse enfermo Botello por tener licencia y Noriega ansente en comision del Gobierno Departamental.

Entre reglones—dure—vale.

PIO PICO, *Presdte.*

AUGUSTIN OLVERA, *Srio.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFONIA

I, John C. Hays, surveyor general of the United States for the State of California and as such having in my office and in my charge and custody a portion of the archieves of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the four preceding and hereunto annexed pages of tracing paper, numbered from one to four inclusive, exhibit a true and accurate copy of extracts from an unbound book, entitled "1846. Candem de sesiones de la Exma. asemblea, and purporting to be a record of proceedings of the departamental assembly, said book now being on file and forming part of the said archives in said office.

In testimony whereof, I have hereunto signed my name [SEAL.] officially, and caused my seal of office to be affixed at the city of San Francisco, this thirteenth day of February, 1855.

JOHN C. HAYS,
United States Surveyor General for California.

Filed in office February 26, 1855.

GEO. FISHER, *Secretary.*

Translation of extract from record of proceedings of Department Assembly.

Session of the 30th day of March, 1846.

Proceedings of the 23d of March being approved, the report of the committee on missions was read, and the president of the same made a few remarks upon the explanatory part thereof, relative to the plan of the bill presented by Señor Bandnil at the previous session respecting missions, and concluded with the following motion: Moved that the bill of Señor Bandnil be taken up for discussion in its proper turn. The president of the committee protested that he could not support it, because it did not coincide with his views upon the subject. Señor Figueroa moved that the second reading of the bill be dispensed with; which was carried, and the individual opinion of Señor Arguello being understood, who says he does not approve the second paragraph of the explanatory part. He said that he reserved his opinion until the decision for which the aforesaid bill of Señor Bandnil was taken up, which concludes with the following articles:

1st. The governor is authorized to carry into effect the object of the decree of the 28th of March of the preceding year, passed by the honorable assembly, relative to missions, for which purpose, when the impracticability of the case provided in the 3d article of said decree, the governor of the department will take such steps in the matter as he may deem most conducive to the preservation of the Missions of San Gabriel, San Luis Rey, and San Diego from total ruin, as also all others that may be in the same condition.

Adopted without discussion.

2d. As the greater portion of said establishments have large liabilities, if the assets thereof should not be sufficient to cover their approved indebtedness, the provisions of the laws with respect to bankrupts shall be applicable to them, and a process shall be formed in conformity thereto.

Adopted without discussion.

3d. If by the authorization of the governor it should result that, in order to prevent the total destruction which threatens the said missions, he should determine the sale of them to individuals, it shall be made by public auction, after having given the usual notice.

Adopted without discussion.

4th. In case of a sale, if there should remain a surplus after the payment of the debts, it shall be distributed among the Indians of the community of the establishment so sold, the governor availing himself of the mode which may be the most compatible with the just distribution thereof.

Adopted without discussion.

5th. In all cases it shall always be borne in mind to secure to

the minister priests whatever may be necessary for their support, and the expenditures for the preservation of divine worship. The governor being authorized to appropriate according to his judgment, hearing, and attending to the respective *religions* one-half of the entire establishments, whether they consist of cultivated lands, real and other property, for the security of these two objects.

Adopted without discussion.

6th. The property which may be appropriated in pursuance of the preceding article shall be delivered as by sale, subject to a perpetual annuity of four per cent., the proceeds of which necessarily shall be applied to the purposes provided in the said article.

Adopted without discussion.

7th. Whatever may have been done up to the present time in pursuance of the decree of this honorable assembly of the 28th of May aforesaid shall remain in full force and vigor.

And in nowise does the present alter the contracts or measures adopted by the governor in virtue of the said decree of May, 1845, nor shall it in future hinder the execution of whatever may be done in accordance therewith.

Adopted without discussion.

8th. The governor will avoid the inconveniences for which it has been impossible to provide in the present decree, and within six months, at most as long as its execution lasts, will lay before this honorable assembly a report of the effects of its enforcement.

Adopted without discussion.

There being no other business before the session, it adjourned. S. Abrigo being absent sick, Señor Botello with leave, and Señor Irmaga on the committee on the departmental government.

(Signed) PIO PICO, *President.*

(Signed) AUGUSTIN OLVERA, *Secretary.*

I, George Fisher, secretary of the United States land commission to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document in case number 81, J. R. Bolton *vs.* The United States, now on file in this office.

In testimony whereof, I have hereto signed my name, at office, at the city of San Francisco, California, this 27th day of February, A. D. 1855.

GEORGE FISHER, *Secretary.*

Filed in office February 27, 1855.

GEORGE FISHER, *Secretary.*

MISSION OF DOLORES.

Decree of Departamental Assembly.

La Exma Asamblea Departamental en sesion de hoy ha decretado lo siguante quedan suspendidas las sesiones de la Honorable Asamblea por el resto de este año en razon de haberse dado permiso á los señores Diputados de fuera de esta capital para que se retuara allugao de su residencia, en atencion á los perpricios que deben sufior por no estao pagados de sus sueldo vencidas que como funcionarios les corresponde.

El Exmo. Señor Gobernador del Departamente lo tendia interdido para su publicacion y demas fines. Sala de sesiones de la Honorable Asamblea de Californias en la Ciudad de Los Angeles, Octubre 8, de 1845.

PIO PICO.

AGUSTIN OLVERA, *Srio.*

T. para que llegue á noticia de todos mando se publique por bando en los pueblos del Departamente y se circule á quiens corresponde. Dado en la Ciudad de Los Angeles, a 11 de Octubre, de 1845.

JOSÉ MA. COVARRUBIAS, *Srio.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered one and two, exhibit a true and accurate copy of a portion of an unbound book, entitled "1845. Candano ò liho de actas de sesiones publicas correspondiente al presente año," and purporting to be a register of sesiones of the Departamental Assembly for the year 1845, said book now being on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the [L. S.] city of San Francisco, California, this nineteenth day of December, 1854.

JOHN C. HAYES,
U. S. Surveyor General for California.

Filed in office December 20, 1854.

GEORGE FISHER, *Secretary.*

Translation of Decree of Department Assembly.

In the session of to-day the most honorable Departmental Assembly has decreed the following:

The sessions of the honorable assembly are suspended for the rest of the present year, in consequence of permission having been granted to the members who do not reside in this capital to retire to their homes, in attention to the injuries they must suffer by not having received the salaries which are due to them, to which they are entitled as members.

It shall be laid before his excellency the governor for its publication, and other ends. Hall of sessions of the honorable assembly of the Californias, at the city of Los Angeles, October 8, 1845.

Signed, PIO PICO.

Signed, AGUSTIN OLVERA, *Secretary.*

And in order that it may be known of all, I order it to be published by proclamation in the pueblos of the Department, and sent to those to whom it may be proper.

Given at the city of Los Angeles, October 11, 1845.

Signed, JOSE MA. COVARRUBIAS,
Secretary.

I, George Fisher, of the U. S. Land Commission to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct translation of a document in case No. 81, J. R. Bolton vs. United States, now on file in this office.

In testimony whereof I have hereunto signed my name at office, at the city of San Francisco, California, this 25th day of January, A. D. 1855.

GEORGE FISHER,
Secretary.

Filed in office January 26, 1855.

GEORGE FISHER,
Secretary.

Mision Dolores—Bill of sale, &c., in 612.

En la Mision de Santa Barbara de alta California á los seis dias del mes de Abril del año del señor de mil actro cientos cuarenta y seis; José Prudencio Santillan, curapanveo y ministre de la nacion de Dolores bendo y consedo en verdadera y perpetua venta, de este tiempo para adelante y para siempre al Sn. D. Joaquin Carrillo Vesino del presidu de Santa Barbara, la Estencion de cuatio cientas venas en cuadro situadas pinto al cermino que sale de la Mision de Doleros pa. el pueblo de San José quedando dho. terreno á la otra

parte del Riachuelo y á la isquierda del dho. camino y consediendole todas los privele gios de derecho é interes que dho cuadro posé.

B ,PL.—*Exhibit to deposition of Antonio Maria de la Guerra, November* 24, 1854, *in case No.* 81.

En consideracion de dose caballos mansos que herecibido á mi entera satisfaccion por lo que declaro ser el legitimo y proto precio: que es el valor es mas le hago una remision y donacion de comismo á el que en la ley llama *enter vivus* tambien renuncio las leyes que tratan de sesion enorme enormisima deseando que todo lo ql. le vendo sea pa. el, sus here deros y subsesores, gosando libremente y tranquilos tocando pomseion legal de ello cuando prensan bien y propio haser lo y para prueba de todo lo dicho y mallor fuerza tenga el presente digo todo este ante los testigos que abajo se formein; ademas declaro que la mencionda ventu la hago por el derecho que he obtenidoosegr. consta en el titula oficial que el gobierno del departemento me ha consedido con echa dies de. Techero del ano del Sr. de mil Ocho cientos cuarenta y seis.

Dicha Escritura la estiendo en estepapel simple por falta del papel sellado.

Es da do en la mision dicha fha. ut supra.

JOSÉ PRUDENCIO SANTILLAN.

T. T.

ESTEBAN ORTEGA. ANTO. MA. DE LA GUERRA.

Filed in office November 27, 1854.

GEORGE FISHER, *Secretary.*

Translation Bill of Sale in 612 *B, PL, Exhibit to deposition of A. Ma. de la Guerra.*

At the mission of Santa Barbara, in Upper California, on the 6th day of the month of April, in the year of our Lord one thousand eight hundred and forty-six, I, José Prudencio Santillan, parish priest and minister of the Mission of Dolores, sell and grant, in real and perpetual sale, henceforth and forever, unto Señor Don Joaquin Carrillo, resident of the Presidio of Santa Barbara, the extent of four hundred varas square, situated adjoining the road which runs from the Mission Dolores to the Pueblo of San José, the said land lying on the opposite side of the rivulet, and to the left of the said road; relinquishing unto him all the priviliges, rights, and interests unto the said lot appertaining, for and in consideration of twelve tame horses which I have received to my entire satisfaction, which I declare to be the ligitimate and just value thereof; and if it is worth more, I make unto him a reversion and donation thereof, which in law is called *inter vivus.*

I also renounce the laws which treat upon *sesion enorme enormismia,* desiring that the whole of that which I sell him may be

for him, his heirs, and successors, to enjoy it freely and peaceably, taking the legal possession thereof whenever he may consider it convenient and proper to do so.

And for the validity of all the aforesaid, and that the present may have full force, I declare all the above in the presence of the undersigned witnesses.

I furthermore declare I make the aforesaid sale by virtue of the right which I have acquired, as appears in the official title which the governor of the department has granted to me under date of February 10th, of the year of our Lord 1846. I execute the said deed of sale on this common paper for want of sealed.

Given at the mission aforesaid and date above written.

(Signed,) JOSÉ PRUDENCIA SANTILLAN.

Witness:

(Signed,) ESTEBAN ARTEGA.

Witness:

(Signed,) A. MA. DE LA GUERRA.

I, George Fisher, secretary to the United States land commission to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a document in case number 81, James R. Bolton *vs.* United States, for Mission Dolores, now on file in this office.

In testimony whereof, I have hereunto signed my name, at office, at the city of San Francisco, California, this 9th day of January, A. D. 1855.

GEORGE FISHER,
Secretary.

Filed in office January 9, 1855.

GEORGE FISHER,
Secretary.

Mission Dolores—Rules for alienating and leasing the missions.

Pio Pico, Gobernador Interim del Departamento de las Californias, á sus habitantes sabed:

Que para espeditar el cumplimiento de la cuerdo de la E. Asemblea Departamental, fha. 28 de Mayo ultimo, relativo al anendamiento y enagenacion de las misiones y facultado por dha. E. Corporacion, he tenido á bienepsedor el siguiente.

Reglamto. para la Enagenacion y aniendo de las misiones.

CAPITULO 1o.—DE LA ENAGENACION.

ARTLO. 1°. Se venderan en esta capital en publica subasta al mejor postor, las Misiones de Sn. Rafael, Dolores, Soledad, San Miguel, y Purisima, que se hallan abandonados de sus neofitos.

2o. De las fincas que existen en los pueblos de S. Luis Obispo, Carmelo, S. Juan Bautista, y S. Juan Capistrano, y que pertenecian á las misiones se separar an los templos y sus pertenencias, una parte para casa cural, otra pa. casa municipal y en local para Escuela y lo que sobre de dhos. edificios se vendera tambien en publica subasta en donde se presentara la notica de los que fueren.

3o. Del mismo modo se venderan las existencias que tengar las misiones y á consistan en semillas, esquilmos ó efectos de comercio, preferiendose por el tanto á los anendatorios y deduciendose antes la parte de dhas. existencias destinados para alimento y vestuario del R. P. ministro, y de los neofitos hasta la cosecha del año siguiente.

4o. Los remates que respecten á las misiones de S. Luis Obispo, Purisima, y S. Juan Capistrano se verificaran en los cuatro dias primeras del mes de Dbre. proximo, pejandose cedulones con anticipacion en los pueblos del departamenta convocando postores y dandose en esta capital, tres pregones, con intervalos de ocho dias de uno á otro, antes del remate. De la misma manera se haran las ventas de lo perteneciente á Sn. Rafael, Dolores, S. Juan Bautista, Carmelo, Soledad, y S. Miguel, los dias 2, 3, y 4 del mes de Enero, del año entrante.

5o. Des de la publicacion de este reglamento en esta capital se admiten las poposiciones que se hagan ante el gobierno que las tomara en consideracion.

6o. El total producto de dhas. ventas ingresaro á la tesoreria del departamento que pagara con ellos las dendas de dhas. misiones y si hubiere sobrante, lo pondrá á disposicion del prelado respectivo para las atenciones del culto, conforme al arto. 2o. del referido acuerdo de la Exma. Asamblea Departamental.

CAPITULO 2o.—*Del anendamiento.*

* * * * * * *

Y para que llegue á noticia de todos mundo se publique por bando en esta capital y demas pueblos de Departamento se fije en los parajes publicos acostumbrados y circuleá quienes corresponda.

Dado en la ciudad de Los Angeles, á 28 de Octubre, de 1845.

PIO PICO.

JOSÉ MA. COVARRUBIAS, *Srio.*

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CAIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed page of tracing paper

exhibits a true and accurate copy of extracts from a document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of [SEAL.] San Francisco, this twentieth day of November, 1854.

JOHN C. HAYS,
United States Surveyor General for California.

Filed in office, November 28, 1854.

GEO. FISHER, *Secretary.*

Translation of rules for alienating and leasing the Missions.

Pio Pico, governor *ad interim* of the Department of the Californias, to the inhabitants thereof, Know ye:

That, in order to give due fulfilment to the resolution of the most excellent departmental assembly of the 28th of May last, relative to the leasing and alienating of the missions, and being authorized by the said most excellent corporation, I have thought proper to issue the following

Regulation for the alienation and lease of the Missions.

CHAPTER I.—*Of Alienation.*

ART. I.—The missions of San Rafael, Dolores, Soledad, San Miguel, and the Purisima, which are abandoned by the neophytes thereof, shall be sold in this capital at public auction to the best bidder.

2. Of the tenements which exist at the (pueblos) towns of San Luis Obispo, Carmelo, San Juan Bautista, and San Juan Capistrano, and which belonged to the missions, the churches with their appurtenances, a place for a curate's house, another for a municipal hall, and a location for a school house, shall be reserved, and the remainder of the said buildings shall also be sold at public auction at the place where notice shall be given.

3. There shall be a sale made, in like manner, of the property of the missions, such as grain, products or effects which are the objects of commerce, giving the refusal in the sale to the lessees thereof, and previously deducting and setting aside such portion of said property as shall be reserved for the support of the reverend father minister, and of the neophytes, until the crop of the following year.

4. The sales of the missions of San Luis Obispo, Purisima, and San Juan Capistrano shall take place on the first four days of the month of December next. Previously putting up edicts convoking bidders in the towns of the Department, and giving publication at this capital by public outcry for three successive times, at inter-

val of eight days between each of them, before the sale. In the same manner shall the sale be made of the property of San Rafael, Dolores, San Juan Bautista, Carmelo, and San Miguel, on the 2d, 3d and 4th days of January of next year.

5. From the date of the publication of this regulation in this capitol, the government will receive and will take into consideration the proposals that may be made to the same.

6. All the proceeds of said sales shall come into the treasury of the Department, and with them the debts of the missions shall be paid; and if there be any surplus it shall be placed at the disposal of the respective prelates, for the purpose of sustaining divine worship, as provided by article 2d of the said resolution of the most excellent departmental assembly.

CHAPTER II.—*Of leasing.*

* * * * * * *

And in order that it may come to the notice of all, I command that this be published by public edict in this capital and the other towns, and that it be posted up at the customary public places, and that it be sent to whomsoever it may concern.

Given at the city of Los Angeles, on the 28th of October, 1845.

(Signed,) PIO PICO.

JOSÉ MARIA COVARRUBIAS, *Secretary.*

Filed in office December 9, 1854.

GEORGE FISHER, *Secretary.*

Extract from the proceedings of the Departmental Assembly.

SESION DEL DIA, 15 *de Abril, de* 1846.

Leida y aprovada la Acta del dia 30 de Menzo pa. po. se dio cuenta sen el nomhermiento que para Gobernador Constitucioncil de este Departamenti hizi el Exmo. Sor. presidente de la Republica en la persona del Emo. Sor. Don Pio Pico a Virtud de la propuesta que eleva la Corparacion en 2d de Junio anterior Quedo impuesto el Honorable Cuerpo de la suprema determinacion y con secuencia de haber manifestado el Exmo. Sor. que preside hallarse apti para prestar elpiramential ley y que por tanti se le sena lase el dia que lo habia de hacer hubo lugav a una detenida discusion con moti bo creque no habia numew suficiente de individuos en la asambled ante quien debe verificarse tal acti y resulti por conclusion considerando ser urgente el asun to que se admitrese la siguiente proposicion que luzi el Sor. Bandini.

Mientras se cum ple el termim de las licencius que se les ha consedido pri este Honorable cuerpo a Dos sies vocales sellamara al suplente que este mas immidiate a esta Capital para ql. siempie que hay a numeao competente.

Puesti a discusion y Estandolo suficientemente se aprobo a unanimidad.

Se dio cuentra igualmente con lo siguiente una comunicacion Oficial del Ministern de Relaciones tha 14 de Novembre ultimo dirigida al Gobiemo Departamental en la que por disposicion superior se le pide informe sobre loque hay a determinado conrespecto a misiones que se sabe hem sidon puestos a publico subasta los brenes de ellos que se hebian entregada a los paches para el manego de semtroralidades y que en tretanto se de eltro informe se suspenda todo prosedimiento en enemto a enagenacion de los brenes referidos.

Se acordo la corporacion que siendo esta nota directa al Gobrerno del Departamento se le devolviese para que manifestrara su senter y entonces pudiera atenderse el asunto.

Con el soberano decreto de Ode Agosta que señala la orignacion de Rentas a los Departamentos. Enterado.

Con una Circular del ministro de Relaciones fha. 21 de Octubre pasada, relativa a que se organise la fuerza de policia que debe haber en cada poblacion y esta deter minada por las bases organicus teniendo la Asermblea facultad por el Articulo 134 en su parte 1 e. a. de decretar la que debe haber en el Departamento y reglamentar su servicio conforme a la parte citada semanda pasar a la Comision de policia.

Con un Oficio de la Comandancia General de este Departamento fechado en Monterey a 1 rey de Marzo en el que se adjunta una proclama a que se dio igualinente lectura dirijida a los habitantes a consecuencia de los a contecimientos ha bidos por los punto del Norte con el Capitan de los Estados Unidos Don Jo. C. Frémont conteniendo dho. Oficio un parrafo por el cual se advierte que la Comandancia General previene ql. no habiendo pasada el Exmo. Sor. Gobernador ha hacer la Visita a aquellos lugares como ha solicitado para que a ella se midrer a unido a fin de operar va a proceder conforme a las Ordenes supremas que tiene a la Vista para impedir los miras de los aventureros que se introducen por aquella frontera Entereida la Corporacion uso de la palabra el Sor. Berdini y pronuncio un discurso por el cual repugnaba los prosedemientos del Sor. Comandante General pomerido en clawabusivo que hace de swantoridad esta persona sin miramiento alguno ni atencion al Respeto obligatoria que le imporien las leyes y concluyo proponiendo que el Gobierno le conteste so decoro al mismi treurfe que con la Anogancia y energia ql. dememda un hecho tun Escandoloso somo el que se ha consumado. Frio habiendo otro asunto masque tratar se cevanti la Sesion.

PIO PICO, *Presdte.*
AGUSTIN OLVERA, *Srio.*

Office of the Surveyor General of the United States for California.

I, John C. Hays, surveyor general of the United States for the State of California, and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the four preceding and hereunto annexed pages of tracing paper, numbered from one to four, inclusive, exhibit a true and accurate copy of extracts from an unbound book, entitled, "1846, Cuadano de Sesiones de la Exma. Asamblea," purporting to be a record of proceedings of the Departmental Assembly, said book now being on file and forming part of the archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this 13th day of February, 1855.

[SEAL.]

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office February 26, 1855.

GEORGE FISHER,
Secretary.

Translation of extract from proceedings of Department Assembly. Session of the 15th day of April, 1846.

The proceedings of the 30th day of March last having been read and approved, the appointment of Don Pio Pico as constitutional governor of this department by his excellency the President of the republic, in virtue of the memorial made by that body on the 27th of June last, was read.

The honorable body having before it the superior decree, his excellency the President manifested that he was prepared to take the oath of office, and that therefore the day should be appropriated to effect it; whereupon a lengthy discussion arose, upon the ground that there was not a sufficient number of the members present for the solemnizing of said act; and, in view of the importance of the subject, it was resolved, in conclusion, that the following proposition, made by Señor Bandini, be received, until the expiration of the term of the presents that have been granted by this honorable assembly to two of its members, the substitute who resides nearest the capital shall be called upon to complete a quorum. Taken up for discussion, and sufficiently argued, it was unanimously adopted; also, the following were reported: an official communication from the minister of relations, under date of November ultimo, directed to the departmental governor, in which, by a supreme order, he is required to report what disposition he has made of the Missions; that it is ascertained that the property thereof, which had been delivered to the priests for the administrations of the temporalties, have been put up at public

auction; that meanwhile said report is being made, all proceedings with respect to the alienation of the aforesaid property be suspended. This communication being directed to the governor of the department, it was resolved by the body that it be returned to him for the manifestation of his opinion, after which the subject might be taken up for consideration.

The supreme decree of the 6th of August, which apportions the appropriation of the revenue of the departments, read; a circular from the minister of relations, bearing date the 21st of October last, relative to the organization of the police force that should exist in every settlement, (poblacion,) and the 134th article of part 19 of the organic laws empowers the assembly to provide that which should be found for the department, and to regulate its service in accordance with the part above cited, referred to the committee on police; a communication from the commandant general of this department, dated March 17, to which was annexed a proclamation, which also was read, directed to the inhabitants, in consequence of the encounters had in the northern sections with Captain John C. Frémont, of the United States; said communication containing a paragraph by which it appears that the commandant general gives notice that his excellency the governor not having made the visit by him requested to the said parts for the purpose of his co-operation, he intends to proceed in accordance with the superior orders which he has before him to prevent the designs of the adventurers who are finding their way along the said frontier. It was laid before the body, and Señor Bandini, aforesaid, made a speech in which he denounced the conduct of the commandant general, and presented in bold relief his abuse of his authority without any view to the obligatory obedience enjoined upon him by the laws, and concludes by proposing that the governor reply to him with decorum, and at the same time with that firmness and energy which a proceeding so disgraceful as that which has been perpetrated demands.

There being no other business, the session adjourned.

PIO PICO, *President.*
AGUSTIN OLVERA,
Secretary.

I, George Fisher, Secretary of the United States Land Commission, to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document, in case number 81, James R. Bolton *vs.* the United States, now on file in this office.

In testimony whereof, I have hereunto signed my name, at office at the city of San Francisco, California, this 27th day of February, A. D. 1855.

GEORGE FISHER, *Secretary.*

Filed in office February 27, 1855.

GEORGE FISHER, *Secretary.*

1. Sesion del dia 15 de Abril de 1846.

* * * * *

Se dio cuenta eguielmente con lo siguiente una comunicacion oficial del Ministera de Relaciones pha 14 de Novembre ultimo, derigida al Gobierno Departamental en la que por disposicion superior se le pide in forme sobre lo que haya determinado con respecto à misiones ql. se sabe hem sido puestos à publica subasta los bienes de ellas que se habiem entregado à los padres para el manego de temporalidades y ql. entretemto se de otho in forme se suspenda todo prosediemiento en cuanto à enagenacion de los bienes referidos.

Se acordo por la Corporacion que siendo este nota directa al Gobierno del Departamente se le devolviese para que manifesta su sentu y entonces pudiera atenderse el asunto.

* * * * *

PIO PICO, *Presdte.*

AGUSTIN OLVERA, *Srio.*

OFFICE OF THE SURVEYOR GENERAL
of the United States, for California.

I, John C. Hays, Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory, or Department of Upper California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed page of tracing paper, numbered one, exhibits a true and accurate copy of extracts from an unbound book, entitled "1846, Caudano de Sesiones de la Exma. Assemblea," purporting to be a record of certain proceedings of the Departmental Assembly, the same being now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at
[SEAL.] the city of San Francisco, this sixteenth day of October, 1854.

JOHN C. HAYS,
United States Surveyor General for California.

Filed in office March 8, 1855.

GEORGE FISHER, *Secretary.*

Translation of Proceedings Departmental Assembly.

Session of the 15th day of August, 1846.

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Likewise the following were reported: an official communication from the Minister of Relations, under date of November ult., directed to the Departmental Governor, in which, by a supreme order, he is required to report what disposition he has made of the missions.

Thus is ascertained that the property thereof which had been delivered to the priests for the administration of the temporalities have been put up at public auction, and that meanwhile said report is being made all proceedings with respect to the alienation of the aforesaid property be suspended.

This communication being directed to the Governor of the Department, it was resolved by the body that it be returned to him for the manifestation of his opinion, after which the subject might be taken up for consideration.

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(Signed,) PIO PICO, *President.*
(Signed,) AGUSTIN OLVERA, *Secretary.*

I hereby certify the foregoing to be a true and correct translation of its original this day filed in case No. 81, James R. Bolton *vs.* The United States.

Witness my official signature, at the city of San Francisco, California, this 8th day of March, A. D. 1855.

GEORGE FISHER, *Secretary.*

Filed in office March 8, 1855.

GEORGE FISHER, *Secretary.*

Pio Pico, vocal decano p encargado del Gobreino por el ministreio de la ley à los habitantes del Deparamento de las Californias, sabed que la Exma. Assemblea Departamental en sesion del dia 30 de Marzo pp^{ds}. tuvo à bren acordan los articulos signientes:

[SELLO.] Artlo. 1°. Se autoriza al Gobierno para que haga efectivo el Objeto del decreto de 28 de Mayo ppd°. espedicto por esta Honorable Assemblea relativo à misiones y á cuyo fin en lo impracticable del arriendo prevenido enel articulo 3°. de dho decreto, el Gobierno del Departamento ohara del modo que

crea ser mas conviniente para evitar la Ruina total de las misiones de San Gabriel, San Luis Rey, San Diego y las demas que se halla en ijuales circumstancias.

2°. Como los demas de dichos establicimt^{os} tienen grandes creditos en su contra, si sus existencias no fueren suficientes à cuhir susdendas calificadas se tendra presente loque disponen las leyes con respecto à qui shias y se prosedera conforme à ellos

3°. Si de la autorizacion del Gobierno resultase que este para evitar la total destreccion à que caminan las dichas misiones determinase la Vonta de ellas à particulares se verificara à remate publico presediendo los avisos acostum brados.

4°. En el Caso de Venta despue o desa tisfechos las dendas si hubiere sobrante se repartira à los indios de la comunidad de la finca vendida valiendose el Gobierno del modo que se a mas compatible à la justa distribucion.

5°. En todo caso siempre se tendra presente aseginar lo necesario à la subsistencia de los padres ministros y gastos para la conservacion del culto devivio pudiendo el Gobreino determinar una parto del total fincasy a consiste en tierras de lavor Viene raizes ú otras que à pricio del Gobierno oyondo y atendiendo à los religiosos respectivos aseguran ámbos objetos.

6°. Das fincas que determinan conforme al presedente articulo seran entre gadosa mo en venta asenso perpetuo al cuatro por ciento. Este producto presisamente sera aplicable à lo que previene el mismo articulo 5°.

7°. Queda en todo su Valor y juerza lo practicado hasta ahora segun lo dispuso el decreto de la Honorable Asemblea de 28 de Mayo citado y el presente en nada alterara los contratos y disposiciones tomadas por el Gobreino con arreglo al propio decreto de Mayo de 1875, ni paro lo subsesivo impidira lo que se pueda practicorse conforme à el.

8°. El Gobierno salvarà los inconvinientes que no se harjan podido preveer de seismea sdara cuenta à esta Honorable Assemblea de los resultados en su sumplimiento.

Lo tendra entendido el Esciño Sr. Gobernador del Departmento y dispondra su cumplimiento y aemas firis. Sala de sesiones de la Honorable Assemblea Departamental de California en la Cuidad de los Angeles a 3 de Abril, de 1846.

PIO PICO, *Presidente.*
SANTIAGO ARGUELLO,
Diputado Secretario.

F. para quelle que à noticia de toda los habitantes del Departamento mandose publique por bando y se fije en los parages pubacostum hados y se circule à quienes corresponde. Dado en la Ciudad de los Angeles a 4 de Abril, de 1846.

PIO PICO.

OFFICE OF THE SURVEYOR GENERAL OF THE
UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed *fac simile* tracing exhibits a true and accurate copy of a certain document now on file and forming part of the archives in said office.

[SEAL.] In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, California, this fifth day of December, 1854.

JOHN C. HAYS,
United States Surveyor General for California.

Filed in office February 13, 1855.
GEORGE FISHER, *Secretary.*

Translation of Espediente.

Pio Pico, senior member and commissioner by the ministry of the law with the government, to the inhabitants of the department of the Californias ; know ye—

That at the session of the 31st day of March last the most excellent deparmental assembly thought proper to adopt the following articles :

1st. The governor is authorized to carry into effect the object of the decree of the 28th of May of the preceding year, as passed by this honorable assembly, relative to missions, for which purpose, upon the impracticability of the lease, provided in the 3d article of said decree, the governor of the department will take such steps in the matter as he may deem most conducive to the preservation of the missions of San Gabriel, San Luis Rey, and San Diego from total ruin, as also all others which may be found in a similar condition.

2d. As the greater portion of said establishments have large liabilities, if the assets thereof should not be sufficient to cover their approved indebtedness, the provisions of the laws respecting bankrupts shall be applicable to them, and a process shall be formed in conformity therewith.

3d. If by the authorization of the governor it should result that, in order to prevent the total destruction which threatens the said missions, he should determine the sale of them to individuals, it shall be made by public auction, after having given the usual notice.

4th. In case of a sale, if there should remain a surplus after

the payment of the debts, it shall be distributed among the Indians of the community of the establishment so sold; the governor availing himself of the mode which may be most compatible with the just distribution thereof.

5th. In either case it shall always be remembered to secure to the minister priests whatsoever may be necessary for their support and the expendations for the preservation of divine worship; the governor being authorized to appropriate according to his judgment, consulting with and attending to the respective *religiosos*, one half of the entire establishments, whether they consist of cultivated lands, real, or other property, for the security of these two objects.

6th. The property which may be appropriated in conformity with the preceding article shall be delivered as by sale, subject to a perpetual annuity of four per cent., the proceeds of which necessity must be applied to the objects as provided in the said 5th article.

7th. Everything which shall have been done up to the present time, in pursuance of the provisions of the decree of this honorable body of the 28th of May aforesaid, shall remain in full force and vigor, and in nowise does the present alter the contracts or measures adopted by the —— in conformity with the said decree of May, 1845; nor shall it in future hinder the performance of whatever may have been executed in accordance therewith.

8th. The governor will receive the inconveniences for which it may have been impossible to provide in the present decree, and within six months, at most, will lay before this honorable assembly a report of the effects of its enforcement.

His excellency the governor of the department shall be informed of it, and will order its observance and other ends.

Hall of sessions of the honorable departmental assembly of the Californias, in the city of Los Angeles, this 3d day of April, 1846.

(Signed,) PIO PICO, *President.*
S. ARGUELLO, *Secretary ad int.*

And, in order that it may come to the notice of all the inhabitants of the department, command that it be published by proclamation, and that it be posted in the usual public places, and transmitted to whomsoever it may be proper.

Given at the city of Los Angeles, on the 4th day of April, 1846.

(Signed,) PIO PICO, * * * *

I, George Fisher, secretary of the United States land commission to ascertain and settle the private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document in case No. 81, J. R. Bolton *vs.* the United States, now on file in this office. In testimony

whereof I have hereunto signed my name at office at the city of San Francisco, California, this 14th day of February, A. D. 1855.

GEORGE FISHER, *Secretary.*

Filed in office February 14th, 1855.

GEORGE FISHER, *Secretary.*

1846.

Cuaderno de Sesiones de la Exma. Asamblea.

En la Cuidad de Los Angeles Capital del Departamento de Las Californias á los dos dices delames de Marzo de mil ochocientos cuarenta y seis reunidos en la sala de Gobierno los cuatro sres. Diputados de la Exma. Asamblea Departamental Exmo Sor. Gobernador Interim Dn. Pio Pico, Dn. Francisco Figuerra, Dn. Narciso Botello y Dn. Francisco de la Guerra con el fin de que se abriesen nuevamente las Sesiones Ordinancis que por acuerdo de la corporacion quedaron suspendidas por el Resto del año pp.do. declara el Exma. Sr. Dn. Pio Pico que Preside, que en consecuencia quedaban abreitas desde hoy y continuaban en sus sesiones Ordinances la Honorable Asamblea de este Departamento. Acto continuo se le dio lectura a la Acta del dia Ocho de Octubre del año anterior y puesta á discucion sin ella fue aprobada.

En sequida se dio cuenta con dos Oficios credenciales, de los Sres. Dn. Juan Bandini y Dn. Santiago Argüello Diputados electos por la Junta electoral de este Departamento para la innovacion de la Exma. Asamblea, el primero en quinto lugar y el segundo en el setimo y ultimo, e impuesta la corporacion manifesto Sor. presidente que tuviese a bien el respetable cuerpo dispensarles a dhas. credenciales los tramites de Estilo y examinarlas en el acto si tenian la legalidid correspondiente pues que estavan presentes los nuevos nombrados y en buena disposicion para prestar el juramento, lo que tomando en consideracion se dieron por legal es y bien electos los referidos Sres. por cuy á virtud paso una comision del senode la Asamblea á recibir los y habiendo prestado el juuamento que dispone la ley tomaron sus asientos respectivos felicitandoles á la vez el Sor. Presidente serle muy plasentero la incorporacion al cuerpo.

Concluido este acto se prose dió á la lectura de un manifiesto que hace el Gobierno, á la Honorable Asamblea en el que se toca como punto principal el peligro á que se halla espuesto este departamento por la frecuente introduccion de estrangeros en las fronteras del Norte á dondo ha llegado á mas una fuerza militar compuesta de sesenta hombres, y habiendolas presumciones de que vengan el numero de diez mil individuos bajo la denominacion de Mormonitas, continuando el referido manifiesto con poner en conocimiento de la respectable corporacion el lamentable estado en que se en-

cuentran los principales Ramos del Gobierno interior y concluye poniendo á su deliberacion los articulos siguientes.

1°. La Exma. Asamblea Departamente se ocupar á de toda preferencia en cuanto tenga relacion con el primer punto que contiene el presente manifiesto hasta acordar las medidas que sean mas analogas á los intereses de todos los pueblos del departamento.

2°. Despues de que la corporacion haya concluido con el objeto de su primera ocupacion, continuará atendiendo á los ramos que sean mas necesarios para que por este medio se regulase una buena administracion.

Y admitido todo se mando pasar á la comiscion de Gobierno que en el acto se nombró compuesta de los Sres. Figueroa y Bandini: habiendose hecho en el mismo momento el nombramiento del terrenos valdios que forman los Sres. Noriega y Arúgéllo.

Habiendo usado de la palabra el Sr. Bandini hizo una espocision analoga al mismo manifiesto en la cual espuso las razones que tenia para hacer ligeras observaciones sobre el y tan luego como concluyo presento conforme al reglamento interior de la asamblea la seguiente proposicion, que tambien se espuso los fundamentos en que la apoyaba.

1°. Á la mayor brevedad posible se reunira una junta general compuesta de diputados electos por cada distrito ó poblacion, en el modo y forma que la exma. asamblea acuerde.

2°. Esta junta tendra por objeto, arreglar impuesta de las circunstancias graves en que se halla el departamento todo lo que sea mas conforme á evitar los a conticimientos fatales esteriores que se anuncian.

3°. Á la espresada junta se solicitara la incorporacion de las clases ecclesiastica y militar para obtener todo el lleno presiso á un arreglo eficas.

4°. Las espresadas juntas se llamara consejo general de los pueblos unidos de la Alta California, su tratamiento ser á el de exma. y de señoria á cada uno de sus individuos.

5°. La eleccion junto de reunion tiempo de su duracion y orden de sus sesiones reglamentara la honorable asamblea sin dejar de estar sugeto dho. reglamto. á las modificacionés, que sean necesarias á juicio de la junta general ya establecida.

6°. Sera presidida dicha junta por el Exmo. Sor. Gobernador y ensu defecto por la persona que nombre el consejo á pluralidad de votos.

7°. Los vocales la honorable asamblea pasdran concurrir como individuos pertenecientes á la misma junta y tendran voz y voto en todas las deliveraciones admitida que fué se mando pasar á la comision que ha de conocer en el asunto y por cuanto á ser uno de sus individuos el acta de la proposicion se agrego al Sor. Noriega.

Dado cuenta con un acuerdo del Iltre. ayuntamiento de esta capital relativo á pedir á la honorable corporacion que se proporcionen fondos para que se crié un establicimiento de Enseñanza publica,

se admitioy quedo reservado para cuando se trate de este asunto, dando se el acto por concluido y levantandose la sesion.

PIO PICO, *Presidte.*
AGUSTIN OLVERA, *Srio.*

Sesion del dia 4 de Marzo de 1846. Leida y aprobada la acta del anterior se dio cuenta con lo siguiente:

Una nota oficial del sôr deputado de la corporacion Dn. José. Atregò en que manifesta hallarse enform de una relajacion que le impide complimiento à sio destino, opesiendo sus servicios graciosa mente en el punto que esta radicado y enterado el respectable cuerpo no en contrando por escusa legal lo que hace preste. El sór Atrego á vritud de no estar justficado, delspues de una breve discision á que hubo lugar se a cordo por unanimidad que se escija á este sór, justifique confirme dispona la ley Sro. imposibilidad paraque haya lugar á que se le esconere leon una solicitud de varios vecinos de Sta. Barbara en que pretenden se le ecsima del pago de dere chos á los cosecheros de aquel punto por considerarlo gravoso en atencion de su pago doble admitida pasó á la comision de propioriy arbitos que se nombio inmidiatamente para ella á los sités Arguielo y Noriega.

Con otra de diversos individuos de esta demarcacion pidiendo que se les conseda la mision de San Gabriel para forma poblacion se mandó pasar á la comision de misiones habiendo sido agregado á esta el Sòr Arguello.

En se guida el Sór Botalgello haciendo ver la necesidad que tenia para pasar á arreglar junos trabajos que dejo pendientes en San Buena Ventura pidio se la permitiera una licencia temporal, Esto tomado en consideracion se le concedio la licencia que pretendio comensando desde el dia de hoy ; mas como no se le fijaba termino pidio el Sór. Figuerra que el mismo Sór. Botello se lo señalare. A consecuencia de esto se provoco alguna discusion ă virtud de no haba conformidad de opiniones en el tiempo que se le deberia señ alar y resulto de ello á mocion del Sór. Bandini a cordar la majori que asi al Sór. Botello como á los demas señores Diputádos que tuvieren necesidad de dusentase no se les permitia mas tiempo de falta que el de tres meses; en la intelligencia que si vencido este tenian imposibilidad para volver al desempeño de su des tino lo manifestaron á la corporacion para que por ella se califique si se toman ó noen consideracion las Razones que espongan y concluidoel acto se levanto la sesion á que no existio el Sór, Atrego por haber manifesta no estar enfermo.

PIO PICO, *Presdte.*
AGUSTIN OLVERA, *Srio.*

Sesion del dia 6 de Marzo de 1846.

Leida y aprovada la acta del dia 4 se dio cuenta con un acuerdo del ylustre arpuntamienta de esta Capital que tuvo el dia 4 en el

que propone á la corporacion se levante una fearza de policia y que esta sea pagada por medio de la contribucion que se imponga á á algunas personas dueños de Ranchos que tienen posibilidad cuya lista del los individuos que consideran en esta orden corre. a grega dos al mismo acuerdo. Impuesto el respectable cuerpo se mando contestar de interado al Ilustre ayuntamiento y que pasa se el asunto al conocimiento de la comision de policia, la que no habiendola nom hado se hizo en el acto destinando a los Señores Arguello Figueroa.

Y no habiendo materia que tratar se levan to la sesion á que no asistieron los Señores Atrego pror enfermedad y Botello con iisencia.

PIO PICO, *Presidte.*
AUGUSTIN OLVERA, *Srio.*

Sesion del dia 9 de Marzo, de 1846.

Leida y aprorada la acta del dia 6, disso el Esem. Señor que precide que siendole amy necesario al Gobreino el invio deima comision interesante al puerto de Monterey, cerca del Comandante General y deseando que esta sea desempeñada por una persona de respecto, y confianza del mismo Golremo habia fijado su atencion en el Señor Local Don Francisco de la Guena que en su concepto lallanaria y por lo tanto suplicaba al Honorable Cuerpo se sirviese darle el permi so necesario y que este fuese por dos meses suponiendo due sera el manjor tiempo en que puede dar cumplimento, por lo que tomado en consi deracion fué aprobado en todas sus partes. Acto continuo se dio cuentra con inexpediente promovido por Con Juem Bandini para la adquisicion de senci sitios de garnado marfor en el de la Mision de Guadalupe, á la frontera de la Baja California, los cuales le fueron adjudicados por el Gobrei no Deparamental y atendiendo á quetre ne que separense el Señor Noriega á mocion del Exmo. Seña, presidente se acordo que en el acto sevien si se hallaba en estrado de que se aprovase pena lo cual despues de darle nueva y clara lectura se puso á discucion y sin ella hubo lugar á votar y que da aprovada la consecion que en favor del referido Juan Bandini hizo el Gobiamo Departmental. Dado cuenta con una Solicitud y Espediente de los Cuidadanos Vicenta Moraja y Luis Cuencis del terreno de Pauba, se man do pasar á la Comicion de terrenos Valdios. Con lo que se conclujo el asto y se levanta la sesion no habiendo asistido á ella los Señores Atrego por estar enfermo y Botello tenerlicencia.

PIO PICO, *Presdte.*
AGUSTIN OLVERA, *Srio.*

Sesion del dra 13 de Marzo, de 1846.

Dada lectura á la acta del dia 9 se puso á discusion y sin ella quedo aprovada Habiendose dado cuenta con una comunicacion oficial del Señor Diputado al Congreso General Don Juan Bautista Alvarado, fecha 1° de Marzo dirigida al Honorable Cuerpo en que

haee presenta que habiendo sidoelecto Diputado para losaños de mil ochocientos treinta y seis y mil Ocho cientos treinta y sieta apelaba á la ilustracion y buen juicio de la respectable asamblea para que le diera luces en todas aquellas materias que hagan conducio al paiz á su prosperidad a cordo la corporacion á mocion del Señor Bandini que se le devuelva á dicho Señor Diputado su referida nota para que cor rija el enor en el periodo que señala de su eleccion manifestandole haberse oido con agardo no teinendo mas lugar que recomendarle la obligacion quse le impone su nombamiento y los deberes que tiene contraido para con su patria. Despres de dado lectura aim expediente promovi do por algunos comerciantes dueños de Buques de los Estados Unidos en que solicetan se lesquite la gabila de pagao seis. cientas pesos anuales que les fuéim puesta en trempo de Don Manuel Michel, torena para imeatir estos productos en la formacion de un Muelle en el puerto de Monterey, pidio el Exmo. Señor que preside se serviese la honorable asamblea dan su consejo al Gobierno sobre el particular por le que se mando pasaná la comision respectiva. I gu almente se paso á consulta de la corporacion una representacion que dria al Gobremo Don Julian Willans en la cual propone se le permite la introduccion por tierra de Viente cinco mil pesos en efectos de los Estados Unidos y que de cuenta de los derechos que importe esta cantidad construira im fontin en el cajon hacia la Salina pena Nuevo mejico que see lastante capaz para la defenza del pais de los enemigos exteriores. Se mando pasar á la Comision de Gobierno.

Tuo habrendo atro asunto que tratar se levento la sesion no asistiendo à ella los señores ethe go por enfenno, Botello con lisencia y Noriega por hallarse fuera en comision del Gubierno.

PIO PICO, *Presidte.*
AGUSTIN OLVERA, *Srio.*

Sesion de dia, 16 de Marzo, de 1846. Aprobada la acta del dia 13 se le dio primera lectura à un dictamen de la Comision de tenenos Valdios que corre en el Expedte. del Cuidadano Vicente de la Ossa el sual quedo pendiente desde el año proscuni pasado.

Igualmente se le dio pumeia lectura à otro dictamen de la misnia comision pueoto en el Expediente de los Cuidadanos, Oicente Moraga y Luis Arenas y concluida pidio el Señor Arguello individuo de ella que sele dispensara la segunda lectura y se discutose en el acto lo que tornando en consideracion se puso à discusion en lo general y sin ella quedo aprobado.

1ª. Seaprueba la consecion hecha en prope edad à favor de los Cuidadanos Vicente Moraga y Luis Arenas por el superior Goheino de cste Departamento del paraje nomhado panba en pecha 4 de Fehero de 1846 de entera conformidad con lo prevenido en la ay de 18 de Agosto de 1824, yel Articulo.

5ª. Del reglamento de 21 de Noviembre de 1828 Sen discucion se aprobi.

2ª. El Gobrierni hara que este expediente se agregue al puniero donde existira el diseno correspondente.

Se aprobo como la Anterior.

Se dio cuenta con siete espedientes con cluidos marcados con sol numeros, 252, 308, 412, 417, 419, 423, y 488, los cuales contiénen conseciones de tenenos por el superior Gobrerno adiveszos particulares y que solo les falta la aprovacion de la Honorable Asamblea en su vista se mandaran paseu à la comision de tenenos Valdios.

Yno habrendo otro asunto que tratar se levem to la sesion y no asistieron los señores Ahego à Virtud de estar en fenno, Botello tener licencia y Noueja hallarse ausente en comision del Gubierno.

PIO PICO, *Presidte.*
AGUSTIN OLVERA, *Srio.*

Sesion del dia, 18 de Marzo, de 1846. Aprobada la Actra de antrer se le diosegunda lectura al dictamen de la comision de tenenos baldios en el Espediente del señor La Ossa y puesto à discusion en lo general sin ella fue aprobada.

Hallandose à discusion la prunera propo sicion despues una detenida se acordo que la dos de que se compone el referido dictamen se considerase por una sol a y como tal se discutiese se aprulba la comision hecha à fabor de Don Vicente de la Ossa del parage la providencia adjudicado en propiedad el dia 23 de Marzo, de 1843, de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1824, y Arp. 50 del Reglamento de 21 de Noviembre, de 1828, y ateridiendose à que el teneno deque se hahecho donacion al señor La Ossa es puramente de unsitio deganado marfor y que dentro del tiene una parte el Indigena José Miguel se supume la Ultima parte de la primera condicion del titulo respectivo que puva al agraciado de usar con toda libertad de sustienas de conformidad con su solicitud.

Suficientemente discutida hubo lugan à votaryrecayo su aprovacion à pluralidar absoluta.

Se le diopruneia lectura al dictamen de la comision de mision es puesto en la solicitud de Varios individuos que pidieron que se formase. Pucblo San Gabriel se dio euenta conuna solicitud del Cuidadano Agustin Olvera, secretario del Honorable cuerpo en que pide se ledè una lisencia dequinse dias para pasar à San Diego. Admitida se pasa à discusion y en consecuencia se le permitio acordandose que mientras tanti vuelva el secretario quede en receso la Asamblea en concepto deql. si antes de su represo ocurriere algun asimto sea desempeñada las punciones de este por uno de los señores Vocales conforme se acordene cuando llegue la Vez.

Dado ceunta con un expediente de Don Timoteo Murphy, para la adquisicion del parage san pedro Santa Margarita, y las Galinas.

Se mando pasar á la comision de tenenos valdios á que no asis-

tieron los señores Anego por estar enfermo Botello tener licencea y Noga ausente en comision del Gobierno.

PIO PICO, *Presidente.*
AGUSTIN OLVERA, *Secretario.*

Sesion del dia 23, de Mayo, de 1846.

Aprobada la actra del dia, 18 de Marzosele dio segunda lectura al dictamen de la comi sion de misiones que corre en la solicitud derlanios individuos que pretenden se haga pueblo San Gahiel, y puesto á discucion en lo general sin ella pue aprobada.

No puede consederse para pueblo la mision de San Gabriel por tener una de da crecida que pargar del modo que la honorable assemblea lo determine á su voy.

Sin discusion, hubo lugar á vatar y que do aprovada.

23. En seguida usemdo de la palaha el Señor Bandini dio el mismo lectura á una proposicion que presento conforme lo dispone el reglamento la cual concluge con con el projecto le decreto signiente.

1ª. Se autoriza al gobierno para que haga efectibo el objecto del del decreto de 28 de Manzo del año ppdo. espidida por esta honable asemblea, relativo á misiones; y á curjo fin en lo impracticable del anienda prevenida en el articulo, 3' de dicho decreto, el gobierno del departamento ohará el modo que crea ser mas conviniente para evitar la Ruina total de las misiones, de San Gabriel, San Luis Rey, San Diego, y las demas que se hal len en iguales circumstancias.

2°. Como los mas de dichos establicimientos tienen grandes creditos en su conta si sus escistencicis no puesen suficientes á cubrio sus deudas calificadas, se tendrá prestd., lo que dishonen las leges con respecto á qui shas y se prosedeiá conforme á ellas.

3°. Si de la antorisacion del Gobierno resultase que este para evitar la total distruccion á que caminan las dichas misiones determinase la venta de ellas á particulares se verificara á remate publico presediendo los avisos acostombrados.

4°. En el caso de ventra, despues de satisfe chas las deudas si hubiese sohante se repartira á los Indios de la comunidad de la comunidad de la finca vendida valiendose el Gabra no del modo que sea mas compatible á la justa distribucion.

5. En todo caso siempre se tencha presente asejurar lo necesario á la subsistencia de los padres ministros; y gastos para la conservacion del culto divino, pudiendo el gobierno determinar uma parte del total, fincas, y a consiste en teuas de labor bienes, Raises u otros que á pricio del Gobierno Ogendo y atendiendo á los religiosos respectivos aseguran ambos objectos.

6°. Lasfincas que se determinen confcrme al presedente arto. seran entregadas como en venta asensa perpetua al cuatro por ciento. Este producto presisamente será aplicable á lo que previene el misino articulo.

7°. Queda en to do su valor y fuerza lo practicado hasta ahora seguno lo dispuso el decreto esta honorable asemblea de 28 de margo cetado; yel presente, en nada altera los contratos; y dispociciones tomadas porel gobierno conarreglo al propio decreto de margode 1845, ni para lo subseniro impidera lo que se pueda practicar conforme á el.

8°. El gobierno salvara los inconvinientes que no se hagan podido proveer por el presente decreto y á lo masdentro de seis mien tras dure su execucion dara cuenta á esta honorable asemblea de los resultados en su cumplimento.

Queda admitida y se mando pasar á la comision de Misiones acordandose en consecuencia que considerandose este asunto por uno de los masurgentes, se turicse sesion el lunes proesime venidero á fui deque la comision presentará su dictamen respectivo. Acto continuo en atencion de quesentarse desde hoy el secretario por la licencia que tenia; y á que habiendo y a un asunto greive de que ocuparse la corporacion se hacia indispensable el nornhamiento de un secretario interim, se acordo por ella que se hiciese en Votacion nomisial lo que verificado resulto ser lo por tres Votos el Señor Arguello contra una que obtuvo el Señor Figueroa.

Tno habiendo otra cosa de que occuparse por hoy se levanto la sezion no estando en ella los señores, Alrego en Razon de en contarse en fermo, Botello tener licensia y Noriega ansente en Comision del Gobierno.

Entre renglones, la presidente, Vale, Tachado, presente, no Vale.

PIO PICO, *Presidte.*

S. ARGUELLO, *D. S.*

Sesion del dia, 30 de Marzo, de 1846. Aprovada la Acta de dia 23 de Marzo, se le dio lectura al dictamen de la Comision de Misiones haciendo algunas observaciones en su parte es positiva relativees al purjecto de decreto presentada por el Señor Bandini en la sesion anterior que trata de Misiones conchujendo la comision con la peticion siguiente: pide que se ponga á discusion el prorjecto del Señor Bandini en los mismos terminos que este consebido protestando el presedente de dicha comision que no puede den su voto ed favor por no ser conforme con su modo de pensar. y pedido por el Sor. Figueroase le dispense la segunda lectura admitido y entendido el voto partecular del Señor Arguello que dice. No conviniendome con el Segundo parajede la parte es positiva, sugeto mi voto particular á la discusion, á la que se puso la proposicion mencionada del del Señor Bandini la cual concluye con los articulos seguentes.

1°. Se Antorisa al Gobireno para que haga efectivo el objeto del decreto de 28 de Mayo del año po. pl. espedida por esta Honorable Asamblea relativo á misiones; y á cinjo fin. en lo impracticable del amendo preve nido en el artlo. 3°. de dicha decreto el gobierno

del departamento abrara del modo que crea ser mas conviniente para evitar la nuna totol de las Misiones de San Gabriel, San Luis Rey, San Diego y los deman que se hallam en ijuales circunstancias sin discusion fue aprovada.

2°. Como los demas de dichos establicimtos. tienen grandes creditos en su contra de sus existencias no fueron suficientes á cubrir sus dendas calificados setendra presente lo que ansponen las leyes con respecto á quebras y se procedará conforme á ellas sin discusion fue.

3°. Si de la autorisacion del Gobierno resultase que este, pro evitar la total distruccion á que caminan las dichas misiones, determinase la venta de ellas á particulares severificará á remate publico presidiendo los avisos acostumbrados sin discusion fue aprovado.

4°. En el Coso de Venta despuesde satisfechas las dendas si hubiese sohante se repartira á los Gridios de la comunidael de la finca vendida Valiendose el Gobierno del modo que se a mas compatible á la pesta distribuccion.

Sin discusion que do aprovado.

5°. En todo caso siempre se tendra presente ase gurao lo necesario á la subsistencia de cos padres ministros y gastol para la conservacion del culto devino pidiendo el Gobierno determi nao un a parte del total fen ceis y a consista en tiences de lavor, lienes, Raises u otros que á pricio del Gobierno oyendo y atendiendo á los elli giosos respectivos a sepiren ambros abjetos. Sin discusion fue aprobada.

6°. Las fincas que se determinen conforme al presente Arp. sean entegredas como en Venta, aseno perpetua al cuatro por ciento. Este producto presisamente sera aplicable á lo que previene el misino Articulo 5° sin discusion fue aprovada.

7°. Queda en todo su Valor y pierza lo practicado hasta ahora sepm lo dispuso el decreto de la Honorable Asamblea de 28 de Mayo citado y el presente en nada al terase los contratos y el disposiciones tomadas por el Gobrerno con Aneglo al propio dereto de Mayo, de 1845, ni para lo subsecevo impidira lo que se pueda practicao conforme á el sin discusion fue aprorado.

8°. El Gobierno salvara los in commentes que no se hagan podido provea por el presente decreto i á los mas dentro dl. seia me ses. mientras diere su ejecucion dara cuenta á esta Honorable Asamblea de lo resulta. dos en sio cumplimiento. Sin discusion fue aprovada.

Tno habrendo otra Cosa que ocuparse por hoy se levanto la sesion á que no asistraor los Señores Abrego por ha Oarse en fermo Botello por tena licencia y Noriega ausente en comision del Gobierno departamental Estre renglones. diere Vale.

PIO PICO, *Presidte.*

AGUSTIN OLVERA, *Srio.*

Sesion del dia 8 de Abril, de 1846. Aprobada actra del dia se dio cuenta con una comunicacion Official del Sn. Vocal Dn José Abrego como contestacion á la que con fha 6 de Mayo sell paso por la Corporation á cuya contestacion acompana uncertificado de dos facultateros por el ql. acredita hallarse enfermo de una relajacion que le impide montar á Caballo y de consi quento separarse del punto donde reside por teneo ql. pronase en cura. La Exma. Asemblea que considero por justo la impo sibilidad del Sn. Abrego para el desembpeño de los Obligaciones que la ley le impone como diputado, acordo en conse cuencia que por tales rayones que daba esconerado de la concunencia á las Sesiones y con tal motivo entrase á cubrir la falta el puina suplente.

En se guida le dio cuenta.

Sesion del dia 15 de Abril, de 1845. Leida y aprovada la acta del dia 30 de Marzo popdo. sedio cuenta con el nom bramiento que para Gobernador constitucional de est Departamento hizo el Exmo. Sor. presidente de la Republica en a persona del Escmo. Sor. Don Pio Pico á Virtud de la Corporacion en Qu. de Tunio anterior. Queda impuesto el Honorable Cuerpo de la Suprema determinacion q a consecuencia de haber manifestado el Exmo tor que preside hallarse apto para prestao puamento de Ley y que por tanto se le señalase dia que lo hubia de haseo hubo lugao á una detenida discusion con motibo de que no habia numero suficiente de Individuos en la Asamblea antequien debo verificarse tal acto y resulto por conclusion considerando ser urgente el asunto que se admitiese la signiente proposicion que lugo el Sr. Bandini mentras se cumple el termino de las licencias que se les ha consedido por este Honrable Cuerpo á dos de sus Vocalees sellamara al suplente que este mas immidiato á esta Capital para que siempre haya numero compentente.

Presto á Discusion y estamdolo suficientemente se aprobo á unanimidad. Se dio cuenta equalmente con lo signiente una comunicacion oficial del ministerio de ellaciones fha 14 de Novembre ultimo divijida al Gobierno Departmental en la que por disposicion superior se le pide informe sobrelo que haya determinado con respecto á misiones que se sabe hansido puestos á publica subaste los bienes de ellao que se habran engade á los padres pars el manejo de temporalidades y que entretanto se dé etho informe se suspenda to do prodecimento en cuanto abriegacion de los brienes referidos.

Se acordo por la corporacion que siendo esta nota directa al Gobierno del Departamento se le devvhrese para que memifestara su sentir y entonees pudier atenderse el asunto. Con el soberano decreto de 6 de Agosto que señala la asignacion de Rentas à los Departamentos. Enterado.

Con una circular del ministro de Relaciones fha 21 de Octubre pasado relativa á que se organise la fuerza de policea que debe haber en calla poblacion y esta determinada por las bases organ-

icas teniendo la Asamblea facultad por el Articulo 134 en su parte 19ª de decretar lo que debe haba en el Departamento y Reglamentar su servicio conforme á la parte citada. Se mana pasar á la Comision de policea.

Con un Oficio de la Comandancia General de este Departamento fechado de Monterey a 17 de Marzo en el que se adjunta una proclama á que se dio igualmente lectura dirigida á los habitantes á consecuentia de los a contecimientos habidos por los puntos del Norte con el Capitan de los Estados Unidos Don Jse. C. Frémont contenieddo d'ho Oficio un parage por el cual se advierte ql. la Comandancia General previene que no habiendo pasado el Exmo. Sor. Gobernado ha hacer la visita á aquella lugares como ha solicitado para que á ella se hubrera Unido á fin de Operenva á proceder conforme á las Ordenes supremas que tiene á la Vista para impedir mucas de los aventureros que se introducion por aquella frontera Enterado la Corporacion uso de la palacha el Sor. Bandini y pronuncio un discurso por el cual repugnaba los prose dimientos del Sor. Comandante General pomerido en Clara el uso abusivo que hale de su autoridad esta persona sin miramiento alguno en atencion al respecto obligatorio que lemiponen las leyes y concluyo proponiendo que el Gobierno le conteste con decoro. Almisno tiempo que con la anogancia y energia que demanda un hecho lan escandaloso como el que se ha consumado. Fno. habiendo otra asunto onas que trata y se levanto la sesion.

PIO PICO, *Presdte*

AGUSTIN OLVERA, *Srio.*

En la Cuidad de los Angeles del Departmento de Californias á los deiz y Ocho dieis del Mes de Abril de mil Ocho cientos cuenenta y seis reunidos en la Casade Gobierno á sesion extraordinaria los cuatro Señores Vocales de la Exma. Assemblea Departmental, Exmo. Sor. Don Pio Pico, Don Franco. Figueroa, Don Juan Bardini y Don Santiago Arguello, hallandose presentes en el mismo lugar el I the Ayjuntamiento el Sor. Comandante principal otros señors oficiales y considerable numero de personas de respecto dejo el Exmo. Señor Don Pio Pico, que como en virtud de haberle venido del Gubierno Supremo el nombramiento de Gobernador Constitucional y con curjodo cumento que se le dio lectura entalta doz presento al Honorable Cuerpo en unos de sus anteriores sesiones ordinarias acordo. que poder haceo el puamento de leyera indispensable so verificase á la marjor crevedad se hacia preciso la convnrrencia de la morjoria de Vocales de la Asemblea ante quien deberia prestanlo se llamase al Vocal suplenta que estmiere mas immidiato tanta para este solenme acto enauto para que quedase la Corporacion en numero competente continuando sus trabajos en los cesuntos urgentes quetenia pendientes mientras se preseniase alguno de los proprietarios que estom ausentes supuesto á que al entrar en sus funciones el Exmo. Sor. Gobernador

cesaba en las de Diputado cumpliendo con esta determinacion haber side solicitado Don Agustin Olvera quien era el mas immidiato y de los antiguous en eleccion, el mismo que se hallaba presente en virtud de la invitacion que se el hizo para prestar el puamento que le corresponde y entrar en el ejacicio de su destino Impuesta la Corporacion se prosedio acto continuo á tomarla el puamento al referido Señor Diputado y verificado torno su asimto respectivo.

En seguida el Exmo Señor Don Pio Pico lo hizi igualmente con todas las formalidades en manos del Señor presidente de la asemblea, Don Francisco Figueroa.

Despues de este acto pronunciando el Exmo Señor Gobernador un discurso analago à las actuales circumstancias del paiz protestando emplear toda su dedicasion à remediar los males de que adolece el Departamento a segurando que procuraria por todos los medios posibles conseguirlo, el Señor Figueroa como presidente de la Honorable Asemblea contorto con otro consecuente à los mesmis principios, manifestados por S. E. recomendandole emplear todo sucficacia para logran los fines, con loque se dio termino y se levanto la Sesion concluyendose elacto con un solemne Te Deum à que cesistreion todas las autoridades y personas concurrentes.

Sesion del dia 29 *de April de* 1846.

Gercia y aprovada la Acta del dia 24 se acordo por la corporacion darle segunda lectura al dictamen de ca Comision de Gobierno relativo à la proposicion presentada por el Señor Bandini en Secion del dia dos de marzo y que el asunto relativo à la Comandancia General se tratase en sesion secreta.

Dado segunda lectura al dictamen referido sepuso à discusion en lo general y en el discurso de ella pidia el Señor Bandini como autor de la proposicion que se le permitrese el retriarla manifestando à la Voy la Comision retriar igualmente su dictamen mas esto no obstante habiendo continuado la discusion y declarado estrarlo suficientemente no huvo quien esturiese por su aprobacion de don de resulto que dase sin efecto.

En seguida usemdo de la palaha el Exmo. Sor. Gobernador manifesto que siendole bastante doloroso el abandono en que yacen los pueblos del Departamento delido á los acontecimientos interiores que dan lugar á que se experimenten males de gremde trascendencia particularmente por las continuas incursiones de los Indios barbaros y de lo cual se quegan los habitantes pena comprobacion presento en el acto una representacion original del vecindaria del pueblo de Serñ. Jose Guadalupe en la cual se quejan de que por los continuos ataques bue sufren sus interesses por la barbaria no solamente preiden estos sino lo mas triste que se hallan en bastante peligro de susvidas y lasde sus familias lermentan doigualmente de que se hace ungrem dis filfana de los

fondos nacionales que persiben porcion de individuas que no serven de mirgun prove cho proponien dose por conclusion en la representacion que se organise unafuerza de cien hombres pagada de los ingresos de la aduana maritima de Monterey á reazon de un peso diario por hombre para que selleve al cabo la campaña contra los Indios enemigos. F. impuesta la corporacion despues dehaber dicho el Sor. Bandini que para el importante objecto de use guren las vidas é intereces de los habitantes contribuia cediendo el sueldo que le corresponde como diputado, propuso que para darle al asunto del vecindario del pueblo de San José Guadalupe pronto despacho nombara una comicion para que abriese dictamen declarandose la Asamblea en sesion permanente entre tanto se concluia lo que tomado en consideracion sele entregawn los documentos á la Comision de Gobierno y se suspedio la sesion.

Habiendo continuado la sesion presento la comision su dictamen y concluida que fue su lectura pidio el Sor. Figueira se le dispensasen los demas tramites del reglamento á lo que acudio la corporacion y en consecuencia se puso á discusion en la general y sin ella hubo lugar á votar y fue aprobada.

Arto. 1°. El Gobierno dispondra del soliante que resulte cubiertos los suel dos de los empleados del Orden Civil de casdos terceias partes que estan señalados por la ultima ley del de Agosto de 1845, para Rentas Departamentalles, debiendo invertorlo precisamente en alistamiento de hombres que hagan la campaña forma contra los Indios barbaros y se guridad del Departamento sin discucion fué aprobada.

Arto. 2°. En caso que el espresado sohante no sea suficiente á cubrir los gastos necesarios segun el Articulo 1°, se impendara el pago de la tercera parte de la lista civil debrendose considerao siempre á los empleados con accion al pago total de suohaberes cuendo lrs centras sean suficientes para verificarlo.

Sin discusion fué aprovada.

Arto. 3°. De todos los gastos que contal Objeto se ero gasen se llevará por la tesoreria respectiva una separada distribucion con la que se dara cuentra mensalmente al Gobierno y se pondrá en conosimiento de la Honorable Asamblea por medio de certes de caja y se formarem al efecto.

Sin discusion fué aprobada.

Arto. 4°. Se considerera como un servicio importante el que con su persona ó haberes controbreyan voluntariamente en favor del va daderoe importante objeto del presente de creto y se tendra como un merito que contrai á beneficio general del Departamento.

Sin discusion fue aprovada.

Arto. 5°. Las personas que quicran contribui á lo que dispone el Arto. 4°, presentaran á las autoridades politicas del lugar y haran constar el ase de ausilio con que se prestem.

Sin discusion fué aprobada.

Arto. 6°. Todas las autoritades de los pueblos en los cuales se

verifi que dona ciones voluntarias llevarem un libro que esprese todas las circumstancias que las demueste formando la partida de interesados y dandos elles recibo á estos de las cosas con que contribrujen y si consiste en personal formaren la lista respectiva, la cual se publicará cada quince dias remitiendo un tanto de ella al Lobiano Departamental.

Sin discusion fué aprobada.

Arto. 7°. Cesara lo dispuesto en el presente decreto tan luego que de je de existir la cama que lo motiva ó cuando á juicio de la Honorrble Asamblea lo considere necesario orfendo previamente al mismo Lobiano Departamental.

Sin discusion fué aprovada.

Y no habiendo otra Cosa que tratar se levanto la sesion publica pa. Entrar en sesion secreta extraordinaria á la que no asistreion los señores abrego por estar enfermo Botello por tener licencia y Noriega por esta en comision del Lobiano.

PIO PICO, *Presidte.*

AUGUSTIN OLVERA, *Srio.*

Sesion del dia 8 de Apil, de 1846.

Aprobada la acta del dia 29 de Apil, se dio cuenta con una comunicacion oficial del Señor Vocal Don José Anego como contestacion á la que con fecha 6 de Marzo se ce puso por la corporacion á cuya contestacion a compaña un certificado de los facultades por el que acredita hallarse enfermo de una relajacion que le impide montar á caballo y de consiguiente separa se del punto donde reside por tener que ponerse en cura. La Exma. Asamblea que considero por justa la imposibilidad del Señor abrego para el desempeño de las Obrigaciones que la Ley le impone como Diputado, a cordo en consecuencia que por tales ranzones que da ba esconerado de la concumencia á las sesiones y con tal motivo en tase á cubrir la falta el puiner suplente.

En seguida se dio cuenta con cuarenta y cinco Expedientes relativos consesiones de terrenos por el Gobierno Departamental á diversos particulares. Se mandaron pasan todas á la comision de terrenos Valdios. No habiendo por hoy otro asunto de que ocuparse la corporacion se levanto la sesion á que no asistieron los Sres. Obrego por estar enfermo, Botello por tener licencia y Nonega por hallarse en comision del Gobierno.

PIO PICO, *Presidte.*

AGUSTIN OLVERA, *D. Srio.*

Sesion del dia 11 de Marzo, de 1846.

Aprobada la acta de la anterior se dio cuenta por disposicion del Exmo Señor Gobernador con una oficial del Señor Diputado Don Franco. de la Guerra contestacion á la que le pasó el gobierno en 26 del pesado. * * * *

Estrañandole la conducta observado en orden á la comision que llevo á Monterey la cual se reduce á dar satisfaccion al gobierno de que dio cuenta del resultado de la comision que se le en comendo cerca del comandante general en el momento mismo que pudo haber el resultado que fue al seguiente de su llegada á Monterey y que confiado en la buena fé del comandante general que le. Opecio poner un soldado con solo el fin de que condujese el pliego con toda brevedad hasta entregarlo al Exmo. Sor. Gobernador se le dio en mano propia como deseoso de que el gobierno supiera el resultado y por tanto descernsando en este ofrecimiento creia que el Exmo. Señor Gobernado no careceria de dha. contestacion. Para comprobacion de lo que contesta el Sor. Diputado de la Guerra acompaña una copia de la comunicacion que dirijio al Comandante General con fha. 5 del corrient cuyo contenida es reconvenirle á S. Sa. sobre su mal prosedimiento y pidiendole aclaraciones de ese hecho su puesto á que teniendo la buena oportunidad de la salida del buque del Señor Dalton dejo de aprovecharle frado en el ofrecimiento qe. le hizo de poner un estraordinario á lo cual le falto sin consideracion alguna concluida la lectura de estos documentos el Sor. Guerra que se hallaba presente dijo que por ellos quedarian satisfechos el gobierno y la honorable asamblea de que por su parte procuró hasta donde le fúere posible llenar su comision al menos dando el pronto aviso de su resultado. Quedo enterada la corporacion.

En seguida se dio cuenta con su oficio de Comandancia General con fha. 28 del pasado el que dirijido al gobierno tuvo por contenido participar que de acuerdo con los principales gefes militares y el Señnor prefecto del segundo distrito habia nombrado en comision á Don Pablo de la Guerra con el fin de que hiciese presentar al Gobierno Exmo. Asamblea y demas autoridades las criticas circunstancias en que se en cuentra el pais, y á este efecto traia el Señor comisionado las instrucciones necesarias. El Exmo. Señor Gobernador que preside dijo que segun se habia informado de la comision no trae otras instrucciones que las de manifestar el estado de los asuntos del pais. Con este motive á mision del Sor. Bandini se acordo que se solitase al Señor Comisionado para que hiciere presente cuales sean las istrucciones que le haya dado la Comandancia General por lo que tocern do á la Vez de que estuviese presente el referido Señor Commiscionado fué invitado con el Objeto dho presente este señor uso de la palabra y dio á saber que instruccione s particulares no se le haviem dado qe. el Objeto de la Comandancia General era poner pl. su conducto en conocimiento del Goliano y Exmo. asamblea que por las ultimas notici as que se tenian del interior se sabia que la Administracion del Exmo. Señor Don José Joavuin de Henera habia caido á Virtud de la Apatia para elevar a pecto la Guerra de Tejas curjo asunto que estaba para termi neuse ha cambiado su aspecto en razon de haber entrado á la presidencia el sór paredes y como instrumento esto

para el despojo del Gobierno que algunos Departamentos del interior estaban en oposicion en la actualidad lo que da á entender que hay una completa anarquia en la Nacion, que pare cia no habia duda enque la Guerra con mejic y los Estrados unidos se declaraia muy brebe que esta presumsion parece que lo confirma los preparationos que se estaban haciendo pues que se decia que el puerto de Mazatlan estraba cerrada y que los principales autoridades se habian retirado al interior trasladandose ogiralmente la fuerza armada y pertre chos de Guerra que considerando el Senor Comandante General de este Departamento que á que no se tenchian estos noticias tuvo por bien nomhar la comiscion que desempeña con el obgeto de que puliadas las circumstancias generales y particularmente las que midian en este Departamento se tomaron las disposiciones que fueran conducentes á salvar al pais de loque se le amaga.

El So. Bandini á consecuencia de esta pronuncio un discurso largo el que sustancialmente se reducia á haceo ver la irregularidad de aperaciones de la Comandancia General que bien sabe que el Gobierno y Asamble Departamental no han estado ignorantes de las noticias y á contecemientos que hay se les comunica como por coza nueva la misma que no hace muchos dias desecho una comision del Gobierno negomdose á lo que se presendia sin atender á que el era negocio puramente buscar la consolidacion de la premerias autoridades para emprender con acierto la oha de remediar los males y ante ponerse á evi tar que por la disunion callese el borron de volver á la esclaritued que igualmente en la acta que dire gio ultimamente la Comandancia General con sta que se hacia en des conocimiento tanto de las autoridades principales y haha disposicion para obrar capri chosamente ql. á que fin venir ahora la Comandancia General con apariencices ql. dismientensus propios hechos que esta sejuramente aca so no cra otra cosa que querer comprometer al Gobierno á que autorizase desordens y que esta virtud no sabra como podrian remediarse unos males que con tiempo se prevreron pudieron contrarse y ahora y á estan en sima. El Sor. comisionado terriendo permiso para hacer alguna á clara ceon en orden á lo qe. se le encarga dijo que habiendo obirdado poner en conociniento de la Honorable Asamblea un punto principal lo hacia presente siendo este que el Señor Comandante General le recomeneto muy especial mente que imitase al Exma. Senor Gobernador para que tuviese una entreirsta enel punto de San Luis Obispo y con esta dio por concluida el objeto de su comiscion volviendo usar de la palaha el Sor. Bandini propuso a tendiendo á los antecedentes ocurridos sobre el particular y los cuales refirio que el Gobo. dejese si creia el asunto urgente para poderse separar S. E. de la capital supuesto á que asi lo disponia la ley reglamentaria qe. se esta observando. En este concepto el Exmo. Senor Gobernador despues de haber insinuado qe. desearia que se le diere permiso por la Asamblea

perra salio fuera de la Capital opecio consultar á la corporacion en la proxima sesion las rayones que hubiera para qe. se calificase si el asunto era de urgencia y con esto concluyo el acto y se leveinto la sesion no habiendo asistido el Sor. Botello por tener licencia y dhego por estar enfermo.

PIO PICO, *Presidte.*

AGUSTIN OLVERA, *D. S.*

Sesion de 13 de Mayo, de 1546.

Aprovada la acta de antier se dio cuentra con una comunicacion del superior Gobierno en que es inserta una Orden supoema que se le dirigiorelative á pedir informe del estado de las misiones suspendiendo entre tanto entre tan to lo que solre ellas se huhere determinado cuya nota del Lobrerno se reduce á consultar lo que deben hacerse en concepto de que por su parte le parece que lo inas conforme sea lo dispuesto hasta aqui para evitar una total é meparable mina delos establicimientos, mas no obstante la corporacion diriasemanda pasar á la Comision de Misiones.

Con un acuerdo del Plustre Ayuntamiento de estra lenidad en que consulta si podra el Gobrenio levernton los acuerdos de los ayuntamientos tocando por punto principal so he los impuestos de bailes y multas que se aplican á los Indios. Fernando pasar á la comision de policia.

Ce Señor Fergueiva dip considerando sen muy oportuno á la Vezel projecto que presento la Comision de Goliemo referente al discurso del Exmo. Señor Gobernador al tiempo de la apertura de las sesiones y proporcion del Señor Bandini proponia como individno de la Comision setuviere por subsistente y continuase correndo sus demastramites, tomado esto en consideracion sele dio nueva lectura y concluido pidio el sòr Figueroa que mediante halier sufrido y á dos lecturas suplicaba se le dispensase otro tramite y aprovado asi se puso á discusion. En lo general fue aprovado. Continuo la discusion de cada uno de los enticulos en particular y despues de discutidos suficientemente fueron aprovados sejunel Orden siguiente los Anticulos desde 1° hastra 10.

1°. Eldia 15 de gunio del presente año se reu mia una fustra general compuestra de Diputados Electos por las poblaciones que á continuacion se espresan.

2°. Eldia 30 Mayo prosedera á elegir estos Diputados por el Orden siguiente sonoma Uno, San Franco Uno, San José Dos, Monterey Quatro, Santa Barbara cuatro Angeles cuatro y San Diego dos.

3°. La Eleccion sera nominal por concunencia publica y ante la Antoridad pumeia local y las poblaciones indicadas deviendo estra nomtran dos individuos que trenan los funciones de secretano.

4°. Á los nombrados se les pasara Oficio firmando porla Antoridad y secretarios el cual les cervira de credencial para presentarla

en la punta General y al Gobierno Departmental sedara avisa de haberse verificado.

5°. La junta General que previene el articulo 1° sereunira en Sta Barbara y acordará el tiempo de su amacion y el Orden de Misiones. La presiderá el Exmo. Fr. Gobernador, del Departamento ó en su de fecto el que nombrese la misma junta.

6°. Á la espresada junta se solicitara por el Gobierno la in corporacion de las clases ecclesicesticasy militar en el numero de personas que ambas antoridades tengan por conveniente sin que pasen de cinco.

7°. El Olejeto de la junta General sera impuesta de la circumstanciaes graves en que se halla el Departmento y que el Gobo. informara aneglar todo lo que sea mas conviniente á evitar los a contecim 1^00 interior y extenires que se anuncian.

8°. Á la espresada junta se nomindra consejo general de los pueblos unidos de Californias en tratamiento sera el de S. Exmo. yel de Señoria á cada mo de sus individuos.

9°. Los Volcales de la Honorable Asamblea prodran concurier como individuos pertene cientes à la misnia, penta y tendran doz y vote en todas las deliveraciones.

10. El dia 15 de pinio señalado en el ch. P. P. abira la pinta sussessiones se hayla concurrencia de dose individuos, de los Electos porlos pueblos mensionados. Despues de esto se acordo, que se publique el dictamen segun y conforme se ha aprobado y se decretasen panas observancia los articulos referidos con que conchuje halrendo selisitado el Sor. Guena licencia de tres meses pana pasan á Santa Barbara la corporacion no accedia á su solicitud.

Tuo habrendo otro asunto de qe tratar se levanto la sesion á la que no asistieron el Sor. Botello por tener licencia y Atrego por hallarse enfermo.

PIO PICO, *Presdte.*

AGUSTIN OLVERA, *D. S.*

Sesion del dia 15 de Mayo, de 1846.

Aprovado el acta de antier se le dio primera lectura al dictamen de la comision de propios y Arbitrios puerto en la Solicitud de Darios Decinos de Sta. Barbara, en que piden seles exsime del pajo dectros de licores á los cosecheros y annque picho el Señnor Arquello se dispensa se la segunda lectura no estuva por ello la corporacion dado pumeia lectura al ultima dictomen de la comision de terrenos Valdies qe. corren el espediente promovido por el Cindadano Antonio Machoda á consecuencia de habersela adjudicado el Lustre Ayuntamiento de estra capital un terreno á Don José Armaz; á Mosion del Sor. Berdini se acordo por seo un asunto tan ventilado á que se le dispensasen lostramites y se pusiera á discusion por cuyla virtua estandolo en lo general sin ella fue aprobada.

1°. Que se le haya saber al Ciudno. Antonio Machodo por con-

ducto del Ilustre Ayuntampto de estra ciudad que notificado este acuerdo proceda á cuitiven el terreno denunciado y cercarlo en termino de dosmesez de lo contreno se lo adjudicara el Ilustre ayuntampto cornoparte de susegidos, pana el uso que le convenja al Sor. Amaz si le conviene caga lasreglao que establece la ley en es tos casa sin discusion fue aprobada.

2ª. Encaso de ocupacion por el Señor Machodo si hubrese pincas cercos u otra clase de Renses le satisfara esto al individuo que reconosa su propiedad a por convenio particular o ya á pucio de los peritos nombrado por el alcaldo pumerio de esta ciudad.

Sin discusion fue aprovada.

Yno habiendo otro asunto que tratan se levanto la sesion á la que no asistro el Sor. Botello pro tener licencia.

PIO PICO, *Presdte.*

AGUSTIN OLVERA, *D. S.*

Sesion del dia 3, de Lunio, de 1846.

Aprovada la actra del dia 15 de menjo pasado se le dio sejunda lectura al Dictamen de la Comision de propios y arbitrios que corre en la representacion de aljunos Vevinos de Santa Barbara y puesto á discussion despues de la suficiente se acordo volviese á la comision pana que la reforme á virtue de haberla asi pedidrel presidente de ella por tener en su poder el bando á qe. se refieren los solisitantes.

Se dio cuenta con lo siguiente.

1º. Una comunicacion y acuerdo nel ilustre ayuntamiento del estra capital enque su plica que pana la menfor seguridad de los nitereces de campo se formo un bando general solre venta de cueros de res á cuyo fin son adpuntos la presitada comunicasion bandos dados en años anteriores que tratan de Olegeto.

Semendo pasar todo á la comision de policia.

2º Con otro del mismo ayuntamiento contestando de enterado á la que con fecha 16 del po. pdo. le dirigio insertando la resolucion que recayara el expediente del Ciudadano Antonio Machado. Archivo.

3ª Una solicitud de Don Manuel Pimeno pediendo la aprobacion de sus ranchos que tiene concedida por el Rio del Sacramento admitida semando que apegaren al expediente relativo pasasé á la comision de tenenos Valedios.

4ª Otra igual de Don Manuel Garfices por la delparage de Rincon de San Pascual á la misma comision de Valdios.

5º Con una proposision del señor Vocal Dn. Francisco Figuerva que dice.

Sor. Siendo notario el gran perjuicio que continuamente estern haciendo los Indios á los Ranchos de la demarcacion de los angeles con los Robos frecuentes de Caballada y biendo la dificultad inseparable de la falta de numerario para la organisacion de fuerzas que persigen á esos barbaros; deseoro de remediar en la parte

posible uno de los males que afligen el pais presente á la deliveracion de la honorable asemblea el proyecto siguiente.

Art. 1° Entre tanto se cria la fuenza que se crea necesario panapersequir á los barbaros se establece un destacamento de doce hombres, contratados por un año ó mas en el paraje nomhado el cajon con un comandante, un mas objeto que el de conterer á los Indios ladrones á unpedoiles el con caballada á sin ella y castijarlos siempre que sea posible.

2° El Gobierno que da facultado para contratar un prestamo para la mantencion de este destacamiento de la manera que crea conirinente, pastra tanto se angela la rentra que ha de pagar estos gastos y solici tan de los Renchos un donativo para el misino objeto.

3°. El comandante será nombrado por el Gobierno quien podrá removerlo siémpre que lo crea necesario.

4°. El Gobierno proporcionara las demas y municiones necesarios; pero las que se mutilisen por culpa de los que los manejan seran repuestas y compuestas por su cuenta.

5°. Los sueldos que infrute esta fuerza las señalara el gobierno y regalmentara su servicio.

Admitada se mando pasar á la comision de policia.

Presentados diversos espedtes. concluidos sobre adjudicaciones de terrenos en los cuales corren los correspondientes dictamenes de la Comision de Terrenos valdios á virtud del prolijo examen. Se tomo en consideracion por proporsicion que me dio dispensarles á los nominados dictamenes la segunda lectura y puestos á discucion en lo general sin ella quedaron aprobados.

Siguro un de cada propocision una persona y en consecuencia se aprobaron segun aparecen en los terminos siguientes.

En el expediente marcado con el numero 170, se aprueba la consecion hecha al ciudadano Diego Forbes de mil varas cuadradas en parage de San Pedro y San Pablo, embarcadero de Santa Clara segun titulo librado con fecha 21 de Agosto de 1839, conforme á la ley de 18 de Agosto de 1824, y el articulo 5o. del reglamento de 21 de Noviembre de 1828.

En el expediente numero 247.

Se aprueba la concesion hecha al ciudadano por naturalizacion Juan Foster del parage del trahico jurisdiccion de San Juan Capistrano de cinco sitios de ganado mayor inclusive tres de ampliacion á dos que poseia con arreglo titulo librado con fecha 25 de Abril del presente año y conforme á la ley de 18 de Agosto de 1824, y articulo 5°. del reglamento de 21 de Noviembre de 1828.

En el espediente de los ciudadanos Jorge Murillo y Teodoro Romero. Se aprueba la consecion hecha á los ciudadanos Jorge Murillo y Teodoro Romero del parage potreros de la Mision Viega de San Gabriel por titulo lihado con fha 18 de Abril del año po pdo conforme á la ley de 18 de Agosto de 1824 y articulo 5°. del reglamento de 21 de Noviembre de 1828.

En el de Don Juan Forster se aprueba la consecion hecha al dicuadano por natura lizacion Juan Forster de los potreros de la Sierra del Agua Caliente de San Juan Capistrano por titulo lihado con fha 11 de Abril de este año de entrera conformidad con la ley de 18 de Agosto de 1824 y articulo 5º. del reglamento de 21 de Noviembre de 1828.

En el de Manuel Antonio. Se aprueba la consecion hecha al indigena Manuel Antonio del parage de la Mision Viega de San Gabriel con la estencion de un sitio de Sanado Mayor poco mas ó menos conforme al titulo lihado con fha 8 de Abril del año p po con arreglo á la ley de 18 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828.

En el de Don Ramon Malo. Se aprueba la consecion hecha al Ciudadano Ramon Malo del parage de Santa Rita jurisdiccion de Santa Barbara en estencion de tres sitios poco mas ó menos segun titulo lihado con fecha 1o de Abril del año po po, conforme á la ley de 18 de Agosto de 1824, y el articulo 5º. del reglamento de 21 de Noviembre 1828.

En el de Doña Maria Antonia Dominguez. Se aprueba la consecion hecha en favor de Doña Maria Antonia Dominguez de Caballero del parage nombrado sisguve jurisdiccion de Santa Barbara con la estencion que demarca el diceno que corre agregado á este espediente sejun el decreto del Gobierno de 1o de Abril del año po po y con Arreglo á la ley de 18 de Agosto de 1824, y articulo 5º. del reglamento de 21 de Noviembre.

En el de Pio Cristoval Marcos Indigena de la Mision de Santa Clara. Se aprueba la consecion hecha á los Indigenas Marcos Pio y Cristoval del parage nombrado V. listac jurisdiccion de Santa Clara por titulo lihado con fha 1o de Mayo del año po po en conformidad con la ley de 18 de Agosto de 1824, y el articulo 5º. del reglamento de 21 Noviembre de 1828.

En el de Dn Antonio Ma Villa. Se aprueba la consecion hecha al ciudadano Antonio Ma Villa del parage Teguipes jurisdiccion de Santa Barbara en estencion de dos sitios de ganado Mayor segun titulo lihado por el Gobierno con fha 20 de Mayo del año p po de entera conformidad con la ley de 18 de Agosto de 1724, y articulo 5º. del reglamento de 21 de Noviembre de 1828.

En el de Don Cayetano Juarez. Se aprueba la consecion hecha al ciudadano Cayetano Saurez del parage Tokaya serca mas del Cabo Mendocino jurisdiccion de Sonoma en estencion de Ocho sitios de ganado Mayor segun titulo lihado con fecha 2s de Mayo del año po po conforme á la ley de 18 de Agosto de 1824, y articulo 5º. del reglamento de 21 de Noviembre de 1828.

En el de Felipe de la Mision de San Luis Rey. Se aprueba la consecion hecha al Indigena Felipe del parage conocido con el nombre de Buena Vista jurisdiccion de San Diego en estencion de media Agua en cuadro sejun titulo lihado con fha 8 de Julio

ultimo en conformidad de la ley de 18 de Agosto de 1824, y el articulo 5°. de la ley de 21 de Noviembre de 1828.

En el de Urbano Odon y Manuel:

Se aprueba la consecion hecha á los Indigenas de San Fernando Odon y Manuel del parage del Escorpion de los Angeles segun titulo librado con fha 7 de Agosto ultimo en estencion de medio sitio de ganado mayor conforme á la ley de 18 de agosto de 1824, y el Articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Don Agustin Olvera:

Se aprueba la consecion hecha al Ciudadano Agustin Olvera del parage conocido siena de Cuyamaca en la jurisdiccion de San Diego en estencion de lo que asenta la condicion 3ª del titulo librado don fha 11 de Agosto de 1845, con aneglo á la ley de 18 de Agosto de 1824, y Articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Lino Maria:

Se aprueba la consecion hecha al Indigena Lino Maria del teerrno que poseico cerca de la mision de San Buenaventura en estencion de la circumferencia de quinientas setenta y un varas y una San ju de Agua de un mil siete varas segun titulo librado con fha 23 de Setiembre ultimo conforme á la ley de 18 de Agosto de 1824, y Articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Don José Mª. Orosco:

Se aprueba la consecion hecha al Ciudadano José Mª. Orosco del parage conocido Guijito y cañada de polomesa en la estencion de tres sitios de ganado mayor en la juisdiccion de San Diego segun litulo librado con fha 23 de Setimbre ultimo con arre glo á la ley de 18 de Agosto de 1824, y Articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Don José Dominguez:

Se aprueba la concesion hecha al Ciudadano José Dominquez del paraga prietos, y Najalayegua jurisdiccion de Santa Barbara con la estencion que demarca el diseño que abra en oste espedte. segun titulo librado con fha 14 de Setrembre ultino conforme á la ley de 18 de Agosta de 1824, y al Articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de las Señorias Doñas Maria Josefa Caniclo de Fechi y Guadalupe Estadillo:

Se aprueba la consecion hecha á Dª. Josefa Canillo de Feche y Dª. Guadalupe Estadillo de arjuello del parage Valle de los Palmas jurisdiccion de San Diego en la Baja California en estencion de Once Sitios de ganado mayor segun titulo librada con fha 26 de Setiembre del año p pªº. de conformidad con la ley de 18 de Agosto de 1824, y el Articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de los Señores Don Joaquin Carrillo y Don José Antonio Carrillo:

Se aprueba la concession hecha á los Ciudadanos Joaquin y José

Antonio Carillo hermanos del parage Mision Vieja de la purisima jurisdiccon de Santa Barbara en estencion de un sitio de ganado mayor poco mas ó menos segun titulo librada con fha 20 Noviembre del año p. p°. con angelo á la ley de 18 de Agosto de 1834, y el Articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Maximo Saiz :

Se aprueba la consecion hecha al Ciudadano Maximo Saiz del parage de Santa Gertrudis en Santo Tomas de la Vaja California en ostencion de una legua cuadrada titulo librado con fha 22 de Noviembre del año p p° conforme á la ley de Agosto de 1824, y el Reglamento de 21 de Noviembre de 1828.

En el de Bartolome Bojorquez :

Se aprueba la consecion hecha al Ciudadano Bartolomé Bohorquez del parage laguna de San Antonio en Sonoma en la estencion de seis sitios de gamado mayor segun titulo librado con fha 25 de Noviembre del año p°. p°. de conformidad con la ley de 18 de Agosto de 1824, y el Articulo 5°. del Reglamento de 21 de Noviembre de 2824.

En el de Don Nepomacemo, padilla se aprueba la consecion hecha al Ciudadano Leon Nepomacemo, padilla del parage Roblar de la Miseria jurisdiccion de Sonoma en estencion de cuatro sitios de ganado menfor poco mas ó menos segun titulo librado con fha. 25 de Noviembre ultimo, de conformidad con la ley de 18 de Agoto de 1824, y el articulo 5° del Reglermento de 21 de Noviembre de 1828. En el de Don Juan Foster, se apuceba la consecion he cha al cuidadano por naturalizacion Don Juan Foster, del parage conocido con el nombre rancho de la nacion jurisdiccion de San Diego constante de seis sitios de ganado mayor segun titulo librado con fha. 11 de Diciembre del año popo. de artera conformidad con la ley de 18 de Agosto de 1824, y articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Don Pio Pico.

Se aprueba la consecion hecha al ciudadano Pio Pico del parage zamuel jurisdiccion de San Diego con estencion de dos sitios de ganado mayor poco ó menos sejun titulo librado con fha. 23 de Diciembre, del año popo. en conformidad con la ley de 18 de Agosto de 1824, y el Arp. 5 del Reglamento de 21 de Noviembre de 1828. En el de Don Jesus Noé. Se aprueba la consecion hecha al cuidadano José de Jesus Noé del paraje immidiato á la Exmision de Dolores en estencion de un sitio de ganado marjor segun titulo librado con fha. 23 de Diciembre del año popo. de entera conformidad con la ley de 18 de Agosta de 1824, y el articulo 5°. del Reglamento de 21 de Noviembre de 1828. En el de Don Juan Lopez. Se apruebra la consecion hecha al cuidadano Juan Lopez del parage Cañada de San Dicente y mesa del Padre Barona jurisdiccion de San Diego, en estencion de tres sitios de ganado marjor poco mas ó menos segun titulo librado con fha. 25

de Enero de este año conforme á la ley de 18 Agosto de 1824, y articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Don Juan Machado.

Se aprueba la consecion hecha al cuidadano no Juan Machado, del paraje conocido con el Noviembre del descanso jurisdiccion de la Baga California en estrencion de seis sitios de ganado marjor poco mas ó menos haciendo la endennizacion que previene la condicion 2ª. segun el titulo librado con fha. 27 de Enero de este año y conforme á la ley 18 Agosto de 1824, y el articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Julian Manrique, Ramon Yerba, Carlos Doninguez, Juan Manrique, y José Dominguez, se aprueba la consecion hecha á los cuidadanos Julian Manriquez, Remon Yerba, Carlos Dominquez, Juan Manriquez, y José Dominquez, del terreno Mision Ureja de San Miguel perisaiccion de la Baga California en estencion que espresa el diseño y condicion 2ª. segun espresa el titulo librado con fha. 29, de Enero de este año y con Aneglo á la ley de 18 de Agosto de 1824, y articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el de Juan Moreno.

Se aprueba la concecion hecha al cuidadano Juan Moreno del parage conocido con el nombre de Santa Rosa jurisdiccion de San Diego en estencion del que demuestra el diseño del presente año y conforme á la ley de 18 de Agossa de 1824, y al articulo 5°. del Reglamento de 21 de Noviembre de 1828.

En el del Ministro de la Mision de la Santa Fomas.

Se aprueba la consecion he cha en favor de la Jejlecia de santo Tomas de la Vaja California para el divino culti y memten cion del P. Minestre. dos sitios de ganado mayor en Cosque se inchufen la finca Huerta segun titulo lihado con fha. 3 de Febrero del presente año conforme á la ley de 18 Agosto, de 1824, y al articulo 5° del Reglamento de 21 de Noviembre de 1828.

En el de Don Abel Stearns se aprueba la consesion hecha al cindadano por naturalizacion Abel Stearns del parage conocido por los Nallecitos jurisdiccion de la baja California en estension de dos sitios de ganado mayor segun titulo bon fha. 17 de Marzo, de este año conforme á la ley de 18 de Agosto, de 1824, y arto. 5o. del reglamento de 21 de Noviembre, de 1828.

En el de Francisco Berreyesa.

Se aprueba la consecion hecha al Cuidadano Franco. Berreyesa del paraje conocido con el nombre de Rincon de Musulacon en Sonomo en estension de dos. sitios de ganado mayor segun titulo librado con fha. 2 de Mayo de este año de artera confirmidad con la ley de 18 de Agosto, ke 1824, y el artlo. 5o. del reglamento de 21 de Noviembre, de 1828.

En el de Santiago Nemisia y Francisco Berreyesa. Se aprueba la concecion hecha á los cindadanos Santiago Nemesio y Francisco Berreyesa hermanos del parage cañada de cupin jurisdiccion de

Sonoma en estencion de nueve sitios de ganado mayor segn. titulo librado con f'ha. 3 de Mayo presente de conformidad con la ley de 18 de Agosto, de 1824, y el artlo. 5o. del reglamento de 21 de Noviembre, de 1828.

En el de Da. Maria Del Rosario Estadillo de Aguire.

Se aprueba la consecion á Da. Ma. del Rosario Estadillo de Aguire del teneno que resulta sobrante en los Ranchos de San Jacinto Diego y nueva jurisdiccion de San Diego segun titulo librado con f'ha. 2 de Mayo del presente año y con aneglo á la ley de 18 de Agosto, de 1824, y al articulo 5o. del reglamento de 21 de Noviembre, de 1828.

El Exmo. Señor Gobernador despues de haber hecho una manifestacion verbal presento una copia de la acta de dos de Abril anterior que se levanto en Monterey por junta que se litro la Comandancia Grāl y guarnicion cuyo contenido es secundar el plan del General Paredes protestando á mas contra toelos los autos de la administracion pasada en todolo ql. tenga relacion con este departamte. por ser contrarios á los æotus manifesta dos por los pueblos del Norte.

Á la vez se le dio lectura á una comunicacion de la Comandancia Grāl, en que da parte de que da parte de que el Capitan de los E. U. Fremont, trata de invadir al pais con alguna fuerza y SSa. solisita la precencia del E. S. Gobernador.

Impuesta la honorable corporacion de todo discutio el negocio con la mayor atencion y cindado y despues de distintas reflexiones que se hicicron se acordó de conformidad lo siguiente.

1o. Se suspende la reunion que para el dia 15 del presente mesdebrá verificarse en Santa Barbara conforme al decreto de 13 de Mayo pasadó de las personas ql. el mismo dispone, no Obstante que estas se hallan nombrados.

2o. El Gobierna á la mryor brevedad posble, pasara las comunicaciones necesarias á los antoridades respectivas para ql. hagen saber. lo eispuesto en el artlo. presidente á los representantes que estuore ren nombrados á fin de ql. por ahora no imprendan su marcha hasta nueva resolucion.

3o. Se Ocupará el Gobierno de emplear todo lo que crea conducente para salva homificamente al departamente de los peligros que le combatan hasta de jar en reposo á los habitantes y a segura las propicdades.

Yno habiendo atro asunto que tratan se levanto la sesion.

PIO PICO, *Presdte.*

AUGUSTIN OLVERA, *D. S.*

Sesion del dia 10 de Junio, de 1846.

Aprobada el da la anterior se les dio lectura á los dictamenes de la comision de terrenos baldios que corren en alguros expedientes de terrenos adjudicados y hahendoses les dispensado otros tramitos fueren puestos á discusion y sin ella se aprobaron en lo general.

Continuo la discusion de cada uno de las proposiciones en particular y estrandolo suficientemente hubo lugar á votar y recayola aprobacion en todos que á la letra son las siguientes.

Se aprueba la consecion hecha al cuidadano por naturalizacion Santiago Black del parage conocido con cel nombre de Jonive jurisdiccion de Sonoma segun titulo librado con fha. 5 de Febrero de este año con arreglo á la ley de 18 de Agosto, de 1824, y al artlo. 5 del reglamento de 21 de Noviembre, de 1828.

Se aprueba la cosecion hecha al ciudadano Ramon Rodriguez del parage Cañada de San Miguel conocido tambien con el nombre ne Cañada del Diablo; jurisdiccion de Santa Barbara en estencion de dissitios deganado mayor segun titulo librado con fecha 21 de Marzo, de este año y en conformidad con la ley de 18 de Agosto, de 1824, y articulo 5 del reglamento ee 21 de Noviembre de 1828.

Se aprueba la consecion hecha á Don Maria Arellanes de un terreno en sr. Luis Obispo en estencion de trescientos varas de longitudo y otras territas de latitud segun decreto de 28 de Marzo, de este año.

Se aprueba la consecion hecha al ciudadano I. Mariano Bonilla de la ampliacion de tressitios de ganado mayor en el parage que posee nomtrado el Huerguero jurisdicoion de sr. Luis Obispo segun titulo librado con fecha 28 de Marzo, de este año en conformidad con la ley de 18 de Agosto, de 1824, y el articula 5°, del reglamento de 21 de Noviembre, de 1828.

Se aprueba la consecion hecha al ciudadano por naturalizacion Ernesto Regus del parage conocido Remcho de germerro jurisdiccion de Sonoma en estencion de sinci sitios de ganada mayor, segun titulo librado con fecha 8 de Abril del presente año conforme á la ley de 18 de Agosta, de 182S, y al articulo 5°, del reglamento de 21 de Voviembre, de 1828.

Se aprueba la concesion hecha al ciudadano por naturalizacion pedro Sain Serveir del parage nombrado Rincon en el Rio de Sern Lorenzo jurisdiccion de Monterey, segun titulo librado con fecha 21 de Abril, ee este año conforme á la ley de 18 Agosto, de 1824, y al articulo 5°, del reglamento de 21 Voviembre, de 1828.

Se aprueba la concesion hecha al ciudadano por naturalizacion Isaac Spark del parage conocido con el nombre de Huasna jurisdiccion de Santa Barbara en estencion de cinco sitios de granado mayor segun titulo librado con fha. 8 he Diciembre, de 1843, 3 conforme á la ley de 18 Agosto, de 1824, y al artlo. 5°, del reglamento de 21 Noviembre, de 1828.

Se aprueba la consecion hecha á los ciudrdanos Ramon y Leandro Osuna hermanos del parage cónasido Valle de la Viga y mesa del arras jurisdiccion de San Diego en estencion de cuatro sitios deganado mayor segun titulo librado con fha. pde. Mayo de este año conforme á la ley de 18 de Agosto, de 1824, y al articulo 5°, del reglamento de 21 de Noviembre, de 1828.

Se aprue ba la consecion hecha al Ciudadano Fernando Tico de

un Teneno en la Mision de Sr. Buena Ventura en Estencion de cuatro cientas varas en cua dio segun titulo litrado con pecha 24 de Octubre del año proximo pasado conforme á la lay de 18 de Agosto de 1824 y el articulo 5 del Reglamento de 21 de Noviembre de 1828.

Dado cuenta con ima solicitud del Ciudadano Francisco Guenero en que solicita la aprobacion de un teneno que por el superior Gobernio Departamental le ful consedida, admitraa semando pasan á la comision de tenenos Valdios.

Se dio cuenta con los espedientes promovidos por los Señores Dn. Felipe Costillo, Dn. Tomas Sanchez Colima, y Dn. Cesario Latarllade, que se hallan pendientes de la aprobacion de la E. Asamblea Impuesta la Corporacion semandaron pasaro á la comision de tenenos Naldios.

Se le dio primera lectura al dictramen de la comision de policia formado en Virtud de la solisitud ò por el Ilustre ayuntamiento de esta capital sobre el bando de Cuero de Res de 8 de Octubre pasada y habiendo pedido el Sor. Figueroa la dispensa de tramites le estino por ello y se paso á discusion en lo general suficientemente discutido hubo lugar á Vatar y que do aprovada.

Articulo 1. El que condusca cueros á la playa peria embarcalos de los puntos don de perro nacional lo hara precisamente con el pase que preorene el articlo. 6 del decreto de 8 de Octubre del año ppdo. y el que lo hiciae sin este requisito supirá una multa de cinco pesos por primera Vez y doble por segunda que le aplicarem á los fondos municipalidades respectiras.

Suficientemente discutida hubo lugar á Votar y fué aprobada.

2. La misma pena sufriran los que sin la marca sitada en el articulo anterior condusca dichos cueros de los puntos don de hubiese esta proporcion.

Discutido lo bastante hubo lugar á votar y que do aprobado.

3. Se faculta á las antoridades expresadas en el articulo 7 del citado decreto, para que entaeson á la persona que nombra en susrespectiros puntos para la Visacion de Cueros, en la tercera parte de lasque se denuncien de conformidad con el articulo 4 del mismo decreto.

Suficientemente discutido hubo lugar á votar y se aprobo.

4. Los pases á que se contrae el articulo 1 de esta adicion, los expidiran las antoridades mencion adus en el 6 del repetido decreto y los en cargados de justicia que se nombrano.

Suficientemente discutido hubo lugar á votar y lo aprobo.

Acordo la corporacion se devruelvase el ilustre ayuntamiento de esta capital los documentos relativos á cueros que acompaño con su oficio respectivo.

Yno habiendo mas que hatar se levanto la sesion.

FRANCO. FIGUEROA, *Presdte.*

AGUSTIN OLVERA, *D. S.*

Sesion del dia 15 de Janio de 1846.

Aprobada la acta de la anterior sedio cuenta en una Nota Oficial del Ilustre ayuntamiento como por via de consulta á la cual son adjuntos una comunicacion oficial de la secretaria del gobierno en el que se previene deliden del Exmo. Señor Gobernador que las disposiciones del ayuntamiento pasen al gobiano para su sancion y una proposicion de uno de los capitalares de atro cuerpo reducido á que se haga la correspondiente aclaracion por estarles determinados á los goberna dores sus atribuciones conforme á las bases organicas.

Impuesta de todo la corporacion considero que era urgente su resolucion para lo que se procedio à su discusion suficiente mente discutida se acoredo como punto general en el departamento que mientias tanto ce forman las ordenanzas prevenidas en el articulo 134 atubucion de coma de las bases organicas todo las providencias emanadas de los ayuntamientos ó autori dadesque ejasen sus funciones el departamento se pasen al conocimiento del gobrenio para que esta autorida el obre de conformidad con la ultima parte del articulo 152 del decreto de 20 al Marzo de 1837.

En se guida se acordo que aunque por la separacion de la asamblea del sir Olvera no que daba numero competente de individuos para continuar sus sesiones se hallaban expeditos los Señores Dipnta dos para reunir se brevemete. siempre que el Exmo. Señor Gobernador diripese alguna comunicacion de los puntos del Norte y no haliendo otros puntos que tratar se cevanto la sesion.

FRAN'CO FIGUERIOA, *Presdte.*
NARCISSO BOTELLO, *Secto. interim.*

Sesion del dia 1ª de Julio de 1846.

Leida y aprobada la acta anterior hisi presente el Sor. presidte. que hallandose ausente el Sor. secreto. de esta asamblea se hacia necesario proseder al nombramp de uno que desempeñe ethas funciones de entre los Sres. Diputados presentes y toma do en consideracion resulto nombrado pe. la mayoria el Sor. Botello.

Se dio cuenta con la comunicacion del Exmo. Sor. Gober. de este departamento fechada en San Buenaba. el 18 del ppdo. junio que inserta una oficial del comemdte. gral. int. Dn. José Castro fitra 8 del mismo pasado Junio pr. lo que eltro Gefe insulta ò injuria hasta lo infinito el honor y representacion de la honorable asamblea y gobe. departamental, fundada en el decreto espedido. pr. esta E. Corpr. de 13 del ultimo mayo denominado Consejo general de los pueblos unidos de California, y bren impuesto de todo el H. Cuerpo, acordo pr una necesidad absoluta se reserve eltro injurio la communicacion del Sor. Castro suspendiendo los efectos que debe producir hasta tanto se concluyen los actirales y criticas circumstancias enql. se encuentra el departamt. invadido pr. los puntos del Norte por une partida de estranjew de emjo negocio la asamblea debe ocupar se de todo meferencia.

Y gualmente se dio lectura à otra nota oficial del E. Sor. Gober.

fechado en Sta. Barbara el 23 del untes espresado Junio à la que acompaña tres copias de los documentos recebidos de los puntos del Norte relativos à la invacion cometida en Sonoma pr. algunos extrangeños, llebandose preso à los Ses. Dn. Mariàno G. y Dn. Salvador Vallejo, Dn. Vicente Purdon y Dn. Luis Geese haviendo manifestado S. E. en su estada comunicacion que deseatener cerca del Gobierno à este respectable Cuerpo pa. consultarle los negocios y medidas de salvar llpais; ona del mismo E. S. Gobr. su fitra 29 del mismo Junio, acompañanelo acho documentos relativos al citado aca cimt. de Sonoma entre los cudles apare se copia de una proclama del ql. hace Cabeza entre los extrangews que han tomado el muy repetido punto de Sonoma formado Guillamo B. I. de, y en la misma descripta la Vandera que han en arbolado con cluyendo ottra comunicacion de S. Econ mirtrar à esta E. Asamblea à ql. sin perdicla de momento emprenda su marcha cacia a quel punto de Santa Barbara, pd. dictar las providenco. convenientes à salvao el Departamento y Castigar à los invasores, haciendola responsable ante Dios y la Nacion si dejase de pasar à aquel lugar. Consedida la palabra al Sor. Bandini disso. Que lo es demacia do sensible ver que despues de lo mucho ql. injuria el Comandtl. gral in P. que seacaba de leer y ql. pr. los actuales circumstanco. en que se encuentra el pais, trene ql. reservar pr. ahora hallarse al mismo trempo S. E. amena sada pr. el Gobo. Departamental con la responsibilidad que se espresa en su comunicacion oficial con ql. igual mente seacaba de dar cuenta, sin mas causa ql. la di si se escusa á emprenda su marcha pd. Sta. Barbara à crup punto la invita pide se haga presente al E. S. Gobor. que este H. Cuerpo se halla like de la indicada responsibilidad por ql. à mas de ql. no se darà un solo ejemplo en ql. se nauja negado à consultarle losnegosius que se han afrecido, sus actos han sidosi empre conforme á las leyes; asi corno ql. no ecciste un motivo podewso ql. obligue á la E. Corporacion, à abandonar el lugar de su residca determinado por las mismas leyes. Tomo la palaha el sor. presidtl. y propuso se nombrara una comision ql. habra dictamen sobre la espiesada nota del Gobrieino y tornado en consideracion se nombro en consecuencia à los tres Bandini y Arguello.

El Sor. Nouega hiso presente ql. habren dole recomendado mucho el E. Sor. Gobor, su pronto Regreso á Sta. Barbara con la resolucion de la H. Asamblea, suplicaba á la Comision se sirviera presentar su dictamen á la brevedad posible, esta lo oficsio asi rerificar lo ql. arisaria al Sor. Presidtl. pa. ql. convocase á sesion extraorda.

Tno habiendo otra Cosa de que tratar se levanto la sesion.

FRANCO FIGUERVA, *Presdtl.*

NARCISO BOTELLO, *Srco.*

Sesion extraorda. del dia 2 de Julio de 1844. Convocada pr. el Sor. Precidtl. á Virtud del ariso de la Comission nombrada en la sesion ordinaira de Ayer y dandorse prime ra lectura al dictamen de la citada Comision pidio esta se le dispensaran los trami tes de Reglamento pl. eccijirlo asi las circumsta. del pais; tomado en consideracion sepuso á discusion y aprobado en lo general, lo fue ijualmente en coparticular el articulo con que concluye ottro dicta men, crup tenor es el siguiente.

Mientras duran las circumstancias en ql. se halla el pais el Gofo establecera un coreo semanario en todos los pueblos del Departamento pagado de las Rentas Departamentales. Acordando esta H. Asamblea se like el decreto respectivo al E. Sor. Gobernador pd. su publicacion y copia certificada pr. la secretaria del repetido dictamen pd. su conosimto. corno resultacto de su nota relativa del 29 del ultimo Junio.

Pidio la palaha el Sor. Norrega y dijo que el E. Sor. Gobor. le recomenda muy particularmtl. á sio salida de Sta. Barbara pd. esta Cuidad que encl caso de uue la E. Asamblea no se resolirese á pasar á aquel punto se volviese á llevar los acho documentos que remitio relativos alacaicemiento de sonoma ql. en tal Virtud pedia al H. Cuerpo se sirviera kevolverle atros documentos pd. cumplir con aquel la prevercian; y en consecuencia acordi esta E. Corporacion, se remitiesen á S. E. el Sor. Gobernador los muy repetidos documentos exijien dosele copias certificados de ellos por ser ne cesario su constancia enel Archivo de la Asemblea.

Tros habiendo otra cosa ql. tratar se levanto. la sesion, leida y aprobada ql. fue enel acto la presente acta pr. demandarlo asi el negocio.

FRANCO. FIGUERVA, *Presidtl.*
NARCISSO BOTELLO, *Vocl. Srio.*

Sesion del dia 3 de Julio, de 1846.

Leida y aprobada la acta de la sesion del dia 1° del corriete mes manifesto el Sor. presidte. haber pasado ya al Gobo. la comunicacion prevenida por esta H. Asamblea en sesion exctraorda. de aya sobre los puntos qe. pa. dictar las medidas qe convengan, necesita aclarar esta E. Corporacion y enterado á cordo se esperaran dhas. aclaraciones pa. en su vista disponeo lo mas conforme á la seguidad del pais.

Y no habiendo otra cosa qe. tratar se levanto la sesion.

FRANCO. FIGUERQA, *Presdte.*
NARCISSO BOTELLO, *Vocl. Srio.*

Sesion del dia 6 de Julio, de 1846.

Leida y aprobada la acta de la antor. se dio cuenta con una nota oficial del E. S. Gobnor. fha. 24 del ultimo Junio que en consulta dirije á esta honorable asamblea acompañando tres documentos relativos al projecto de colonisacion presenta do pr. el Sor. presbiterio Dn. Eugenio Macnamara, natural de Islanda al supremo

gobno. nacional y al departamental con recomendacion muy particular de este ultimo pa. qe. tenga lugar el indicado proyecto de colonisacion en California, en el qe. se ofrese taer dos mil familias del mismo Islanda qe. harem el numero de Diez mil Almas; é impuesta de todo la E. corporacion, acordo pasará á una cornision especial qe. á la mayor brevedad presente dictamen sobre el asento, nombrandose al efecto los Sres. Bandini y Arguello.

Tomo la palabra el Sor. Bandini é hiso presente; que no puede comprometerse á llenar en su totalidad el objeto de su consecion, pr. hallarse bastante enfermo pero que descando ayudar á la E. Asamblea hasta donde le sea posible, hara lo que pue da segun se lo permitan sus enfermedades pr. tena sus intervalos de Alivio; que con tal motivo aviso qe. estas seran las ultimas sesiones á qe. pueda con currio pues su que brantada salud exije una cura formal.

Y no habieddo otra cosa qe. tatan selevan to la sesion.

FRANCO. FIGUEROA, *Presidte.*
NARCISSO BOTELLO, *Vocl. Srio.*

Sesion extraorda. del dia 7 de Julio, de 1846.

Promovido pr. la comision especial nombrado en la sesion ordinaria de ayer pa. el asunto de cocomisacion, á cuyo dictamen presentada se dio lectura y dispensados los termites de reglamento á pidimiento de la misma comision, se puso ä discusion en lo general y particular los 7 articulos con que con cluye, que fueron aprobados y son los siguientes.

1°. Que en el caso que se consedan tenenos pa. la colonia espresada, sea sobre cantidad conosida de lejuas cuadradas con interrupcion de poseciones qe. de briena localidad y en cantidad suficiente que den como Valdios, reservados á los usos qe. al gobno. pueda conbenir.

2°. Que deben ser señalados, sin perjuicio de Tercero, sobre el Rio de Sn. Joaqn. y direccion á los Tulares sobre la estremidad sur de los Lagunas ó dthos. Tulares entre estos y la Siena Nebada; y sobre el Rio de las Amimas sus contornos hasta la boca pr. la parte Norte del Cajon de Muscupiabi cito serca de S. Bernadino.

3°. Que en las poblaciones qe. dhos. colonos establescan, se podrem avecindar cualesquiera de los cuidadanos y familias de los residentes en el departamento ú otos á quienes legalmente sea permitido su establicimiento condicion de ser considerados con goces en los privelegios que á los respectivas municipalidades se les conee dan en los tenenos de ejedos y propios qe. se señalan ä cada poblacion.

4°. Que la posecion de temtorio qe. se conceda á la colonia nunca podra estan de voluntad propia, enagenar á ningun gobor. Estrangero y ni podra pasar á otro dominio pr. hipoteca ó cualquiera otro protecto sin que á ello conbenga la Nacion Mejicana y tenga conocimiento anticipaded gobor. departamental.

5°. Que la Entrega de tenenos ql. se senalen á la colonia de las

dosmil familias ó diez mil Almas sea total o parcial á proporcion del numera ql. se presente reservandose en el segundo caso y pr. ino numero prudente de anos todos los ofrecidos sobrantes has ta que se verifique la ingrecion de todas las personas prometidas en ce proyectode colonisacion.

6°. Que solisite el gobo. departmental del esecutior nacional iniciativa al congreso general, para la ecepsion pl. un nu mero de anos de contribuciones directas ó indirectas á los nuebos colonos; asi comolibertaa de anos de importacion pr. la haramienta de Gabranza y otros Utiles ql. pueden determinarse precisos pa. el estable emto. de los colonos á su ingrese pr. los puertos de Sr. Francisco y Sr. pedro de la Alta California.

7°. Que siendo nominal la solicitacion del empresario pl. indignizacion de gastos, los derechos de importacion maritima que se causen en el puerto de Sr. Franco. á virtud de ser el de Monterey el habilitado pa. el comercio estrangero solisite asi mismoel gobno. iniciative pa. qe. se conseda á fabor de la empresa y pr. cada mil familias, la introduccion de efectos mercantiles en cantidad de bren mil pesos de capital con destino á la Alta Calfornia, libre de todo derecho pl. una sola vez, sugatandose, si á lás formalidades de descarga y fondos que se practique en la aduana respectiva.

Acorderndo igualmte. el H. Cuerpo sepa se copia del dictamen Relativo al E. Jor. Gobor. como resultado de su consulta y a citada y leida y aprobada en el mismo acto la presente acta, se levanto la sesion.

FRANCO FIGUEROA, *Presdte.*

NARCISSO BOTELLO, *Sr. Scrio.*

Sesion del dia 8 de Julio de 1846.

Leida y aprovada la acta de la anterior manifesto el Sr. presidte. taber pasado y a al Gobierno Departamente. Copia del dictamen aprobada en la sesion extraorda. de ayer, relativo á colonisacion conforme siriro acordarlo esta H. Asamblea. En se guida se dio lectura al dictamen de la comision de tenenos Valdios puesto al Expediente de Dn. Miguel de Pedrorena cuyo tenor es el signiente.

Se aprueba la concesion hectra por el Gobierno Departmental á fabor de mn. Miguel T. pedrorena del parage conosido Sn. Jacinto nuebo con in clusion de su Po trew en estencion de lo ql. senala el diseno ql. corre agregado al expediente segun titulo librado á su beneficio y el de su familia con fha 14 de Enero del presente ano sin ql. eccede del maximim senalado pr. la ley de ontera conformidad con la ley de 18 de Agosto de 1824 y el arta. 5°. del Reglamento de 21 de Noviembre de 1828, y dispensados los tramites de Reglamento. pr. haberlo pedido usi la ci tada comision se puso á discusion y fue aprobada á pluialidad absoluta.

Igualmte. se dio lectura á dhos. dos dicta menes de la misma comision de tenenos Valdios puestos á los expedtes. de los Sres Dn. Cesareo Latailla de, Dn. Diego Scot y Dn. Juan Wilson y siendo pr. el tenor del anterior se pusieron á discusion, previa la dispensa

de tramites de reglermento y fueron aprobados ambos pr. esta E. corporacion ; a corderndo que por hallarse ausente el E. J. Gober. a quien corresponde libren los sespectivos titulos de aprobacion se ostrendan copias certificadas pr. la secretaria á los interesados pa. ql. Ocurran al Gobierno por los referidos titulos.

El For Bandini hiso presente que rendole y a ursie furtable el peso de sus enfermeda des que de dia en dia le amnentan se ne presisado à ponerse en cura y quil para elle necesita la assistencia de su familia que en tal virtuel oursa armque con sentimiento quil tiene que retirarse de la corporacion ; y se tome en consideracion. El For Argüello dip: que ne que dando numero suficiente de Vocales para quil la E. Asamblea pudrese continuar en sus sesiones à consecuencia de la separacion del For Bandini nace presente que retira al punto de San Diego donde recida, à atender de sus trabafos mientras tanto se reune la H. Corporacion de que quedo impuesta.

Tuo habiendo otra Cosa con que tratar se levanto la sesion.

PIO PICO, *Presidente.*
AGUSTIN OLVERA, *D. S.*

Sesion extraordinaria del dia 24 de Julie de 1846.

Alierta la sesion die cuenta el Exino Señor Gobernador con los documentos relativos à la invacion del Norte de este Departamento por la Escuadra de los Estados Unidos de America que ocupa el puerto de Monterey curfos documentos entroduccion contienen una comunicacion oficial pecha q del corriente fulio que el Comador Don Juan D. Sloat dirige al Exino Señor Gobernador imitandolo à que paso à verse con el en donde se halla, manifestandolo acompanarle una capia de la intimacion que hizo al Señor Comandante Gial para la entrega de todo le de su Ramo que estimere à su cargo una proclama à los habitantes del paisy la Orden general que dio antes del desembarco de sus fuerzas à Monterey para ocupavaquel y con las cuales se dio cuenta.

El Exino Señor Gobernador ammcidos de sentimientos patrioticos exito las de la asamblea para contribuir à la defensa comun.

Impuesta la Corporacion de los tristes suceso todos los señores diputados demostrasen su accadrado patriotisimo y las mas grata de sus satisfacciones por de dicarse à emplear todos los medios de su resorte para defender la sagra da causa, asegurando poseer el mayor emperin por tan venevolo fin.

En consecuencia despues del ardor patriotico que cada cual demostu se acordo en conclusion que se invite à los habitantes à preston en favor de la patria los servicios que como ciudadernos estan obligados y que asi mismo se forme un reglamcnto para la forma, organisacion de los cuerpos de auxiliares, habiendo pasado los documentos à la comicion de gobernado ne habiendo aeraco sa que tratar se levante la sesion.

PIO PICO, *Presidente.*
AGUSTIN OLVERA, *D. S.*

Office of the Surveyor General of the United States for California.

I, John C. Hays, Surveyor General of the United States for the State of California, and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law do hereby certify, that the ninety-seven preceding and hereunto annexed pages of tracing paper, numbered from one to ninety-seven inclusive, exhibit a true and accurate copy of a certain unbound book entitled: "1846. Cuaderno de Sesiones de la Exma. Assamblea," and purporting to be a register of sessions of the departmental assemby for the year 1846, said book now being on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San [L. S.] Francisco, this nineteenth day of December, 1854.

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office March 1, 1855.

GEORGE FISHER,
Secretary.

1846.—*Translation of the record of the sessions of the honorable assembly.*

His Excellency Don Pio Pico, governor *ad interim*, Don Francisco Figueroa, Don Naciso Botello, and Don Francisco de la Guerra Mimbres, of the most honorable departmental assembly, having assembled in the hall of state at the city of Los Angeles, capitol of the Department of the Californias, on the second day of March, one thousand eight hundred forty-six, for the purpose of reopening the ordinary sessions which, by a resolution of the body, had him suspended for the balance of the last year past.

His Excellency Don Pio Pico, who presides, declared that they therefore should henceforth be open, and the honorable departmental assembly continued its ordinary sessions, whereupon the proceedings of the 8th day of October of the preceding year was read; and, having been taken up for discussion, they were approved without it.

Next were presented the credential letters of Messrs. Don Juan Bandine and Don Santiago Arguello, deputies elected by the electoral junta of this department for the re-organization of the honorable assembly; the former for the fifth seat, and the latter for the seventh. When the subject was laid before the body, the honorable president proposed the dispensation of the usual proceedings upon the said credentials, and that they proceed forthwith to ascertain whether they

possess the legal qualifications, as they were present, ready and willing to take the oath, the motion being concurred in, the said gentlemen were received as legally and duly elected members, whereupon a committee from the body of the assembly advanced to receive them; and, making oath as provided by law, they took their respective seats, when the honorable president congratulated them, expressing his greatest pleasure in their incorporation into the body.

This act being concluded, the reading of a message from the governor to the honorable assemby was proceeded to, in which the danger to which this department is exposed by the arrival of foreigners in the northern frontier, where there has arrived, besides a military force composed of sixty men, and presumptions being entertained that there are coming as many as ten thousand persons, under the denomination of Mormons, is discussed as the principal topic contains the said message to lay before the honorable body, the lamentable condition in which the principal departments of the government of the interior exist, and proposing the following articles for its deliberation.

1st. The honorable departmental assembly shall take into consideration exclusively the first point contained in the present message until adopting such measures as will best promote the interests of the inhabitants of the department.

2d. After having disposed of the subject of its first deliberations, the body shall continue the consideration of the department's most essential and conducive to the establishment of a just administration, and the whole being received, it was referred to the Committee on Government.

The Messrs. Figueroa and Bandine being then appointed said committee, Messrs. Noriega and Arguello having been appointed at the same time that on Public Lands.

Señor Bandine arose and made an explanation upon the said message, in which he manifested the reasons he had for making open remarks upon it; and, in conclusion, conformably to the rules of the assembly, he offered the following proposition, and explained the ground upon which he supported it.

1st. There shall be held as soon as possible a general junta, composed of the deputies elected by each district or settlement, in the way and manner which may be prescribed by the honorable assembly.

2d. The object of this junta, having before it the deplorable condition in which the department exists, shall be to devise the necessary means to avert the fatal disasters which threaten it from without.

3d. The said junta shall be requested to incorporate ecclesiastics and *militarios*, in order to obtain an entire representation so necessary to an efficient co-operation.

4th. The said junta shall be called the General Council of the

United Pueblos of Upper California, and styled "most honorable," and each one of its members "honorable."

5th. The election of the place of its holding, the time of its duration, and the order of its proceedings shall be regulated by the honorable assembly, which regulations shall be subject to the modifications which, in the opinion of the general junta, now established, may be necessary.

6th. His excellency the governor shall preside over the said junta, and in his default, the person who may be chosen by a majority of the votes of the council.

7th. The members of the honorable assembly may convene as members of the said junta, and shall have a voice and vote in all its deliberations.

The bill was received and referred to the committee to which the subject properly corresponds, and as the mover of the proposition was one of its members, Señor Noriega was added thereto. A resolution of the illustrious ayuntamiento of this capitol memorializing the honorable assembly, the appropriation of funds for the erection of an institution of public instruction was read, received, and postponed until the subject could be taken up. The business being concluded, the session was adjourned.

(Signed,) PIO PICO, *President.*

(Signed,) AGUSTIN OLVERA, *Secretary.*

Session of the 4th day of March, 1846.

The foregoing proceedings having been read and approved, the following was read:

An official note from Don José Abrigo, a member of the body, in which he represents that he is sick of a relaxation, which disables him for the discharge of his office, graciously offering his services at his residence; whereupon, his excuse not appearing sufficient to the honorable body, after a short discussion, it was unanimously resolved that he justify his disability according to law, in order to be exonerated.

A petition from sundry citizens of Santa Barbara, praying that the *cosecheros* of said point be exempted from the payment of duties, as the exorbitance of them render their condition insupportable. Received and referred to the committee on ways and means; Señors Arguello and Noriega being appointed said committee at the time.

Another from sundry individuals of this demarcation, praying the grant of the mission of San Gabriel for the establishment of a town, (poblation.) Referred to the committee on missions, to which Señor Arguello was added. Next, Señor Botello manifested that he was under the necessity of going to San Bruno Ventura to attend to some business which he left pending there, and asked a short leave of absence. The subject was taken under consider-

ation and the leave he desired was granted, commencing from date; but there being no limit offered, Señor Figueroa moved that Señor Bandine fix it himself, which drew forth some discussion in consequence of the diversity of opinion relative to the time that should be allowed him; whereupon, on motion of Señor Baudine, it was resolved by a majority, that there should not be granted to Señor Botello, nor to any other of the Señors deputies, when they shall leave, a necessity for absenting themselves a longer leave than three months; provided, that upon the expiration thereof, should they not be able to resume the discharge of their offices, they shall make it known to the body to determine whether or not their excuses shall be received.

The business being concluded, the session adjourned, Señor Arguello being absent on account of manifested sickness.

(Signed) PIO PICO, *President.*
(Signed) AUGUSTIN OLVERA, *Sec'y.*

Session of the 6th day of March, 1846.

The proceedings of the 4th day being read and approved, a resolution passed by the illustrious ayuntamiento of this capitol on the 4th instant was presented, in which it proposes to this body the establishment of a police force, to be paid by a contribution levied upon a few individuals, the owners of ranchos, who have the means, annexing thereto a list of such persons as are considered to belong to this class.

Having been read, it was resolved by the honorable body that communication thereof be made to the said ayuntamiento, and that it be referred to the Committee on Police, which, there being none, was appointed at that time in the persons of the Messrs. Arguello and Figueroa. There being no other business before the body, the session was adjourned. Señor Abrego being absent, sick, Señor Botillo with leave.

(Signed) PIO PICO, *President.*
(Signed) AUGUSTIN ALVERA, *Sec'y.*

Session of the 9th day of March, 1846.

The proceedings of the 6th day having been read and approved, his excellency, the president, remarked that the transmission of an important despatch to the port of Monterey, near the commandant general, was very necessary to the government, and desiring that a person of respect and confidence be commissioned for that purpose; that his attention had been fixed upon the Señor Vocal Don Francisco de la Guerra, who, he believed, would accept the mission; and that he therefore hoped the honorable body would grant him the necessary leave, which should be two months, supposing this to be the greatest time necessary for the perform-

ance thereof; whereupon it was taken under consideration and adopted as a whole.

Next was read an espediente, instituted by Don Juan Bandine, for the acquisition of five square leagues (sitios de ganado mayor) on the site of the Mission of Guadalupe, on the frontier of Lower California, which had been granted to him by the departmental government; and whereas Señor Noriega is compelled to absent himself, on motion of his excellency, the president, it was resolved that it be ascertained whether it was in condition to be approved; for which purpose, after its second and distinct reading, it was taken up for discussion, and the vote was taken without it; whereupon the grant made by the departmental government to said Juan Bandino was approved. The petition and espediente of the Messrs. Vicinte Noriega and Luis Armas, relative to the land called Panba, having been read, were referred to the committee on vacant lands. The business being concluded, the session adjourned. Señor Abrego being absent, sick, and Señor Botillo with permission

(Signed) PIO PICO, *President.*
(Signed) AUGUSTIN ALVERO, *Secr'y.*

Session of the 13th day of March, 1846.

The proceedings of the 9th day were read, taken up for discussion, and approved without it.

An official communication, addressed by Don Juan B. Alvarado, Deputy of the General Congress, to the honorable body, under date of March 1, having been read, in which he manifests that he has been elected Deputy for the years 1836 and 1837, and appeals to the intelligence and sound judgment of the honorable Assembly to enlighten him upon all the subjects that my conduce to the promotion of the prosperity of the country.

On motion of Señor Bandine, it was resolved, that the note of the said Deputy be returned to him to correct an error in the period which he designates as that for which he is elected, expressing to him the pleasure with which it had been listened to, having nothing more to add than to remind him of the obligations imposed upon him by his election, and the duties he has contracted towards his country.

After the reading of an espediente, instituted by a portion of the present owners of American vessels, praying to be relieved from the annual payment of $600, which was imposed upon them during the time of Don Manuel Mutiella, for the creation of a fund for the construction of a wharf at the port of Monterey.

His Excellency, the President, requested the honorable assembly to advise the government on the subject, whereupon it was referred to the respective committee.

Also, a representation was taken under consideration by the

honorable assembly, which had been transmitted to the government by Don Juan Williams, in which he proposes that he be permitted to introduce from the United States, by land, $25,000 worth of goods, and that in part payment of the duties which may accrue thereon, he will construct a fort in the Cajon, towards the outlet of New Mexico, of sufficient capacity to defend the country against the mariners from without.

Referred to the committee on government.

PIO PICO, *President.*

AGUSTIN OLVERA, *Secretary.*

Session of the 16th of March, 1846.

The proceedings of the 13th having been approved, the report of the committee on vacant lands, upon the espediente of citizen Vicente de la Asa, which remained pending from the previous year, was read a second time.

The first reading was given likewise to another report from the same committee, upon the espediente of citizens Vicente Noriega and Luis Armas, whereupon Señor Arguello, a member of said committee, moved that the second reading of it be dispensed with, and that it should be discussed forthwith, which being carried, it was taken up for discussion as a whole and adopted without it.

1st. The grant in property made to citizens Vicente Noriega and Luis Armas, by the supreme government of this department, of the place named Pauba, under date of February 4, 1846, in conformity with the provisions of the law of the 18th of August, 1824, and the fifth article of the regulation of the 1st November, 1828, is approved.

It was approved without discussion.

2d. The governor will cause this espediente to be annexed to the first, in which the corresponding plat should exist.

It was approved in the same manner as the foregoing.

Seven espedientes were presented, marked with the numbers 252, 308, 412, 417, 419, 423, and 488, which contain grants of land by the senior government to sundry individuals, and that they only lack the approval of the honorable assembly. Upon consideration they were referred to the committee on vacant lands.

There being no other business before the session, it adjourned; Señor Abrego being absent, sick, Señor Botillo, with permission, and Señor Noriega on the committee on government.

PIO PICO, *President.*

AGUSTIN OLVERA, *Secretary.*

Session of the 18th of March, 1846.

The proceedings of the 16th having been approved, the second reading was given to the report of the committee on vacant lands. Upon the espediente of Señor La Osa, and being taken up for discussion in general, it was adopted without it.

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The first part of the proposition being in order, after a lengthy discussion thereof, it was resolved that the two parts of which the said report is composed as a whole, and discussed as such.

The grant of the place called La Providencia, made in favor of Doñ Veunto de la Asa, made in property on the 23d of March, 1843, in entire conformity with the provisions of the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved, with the understanding that the land granted to Señor Asa contains only one square league, within which the Indian José Miguel owns a parcel.

Therefore the latter part of the said condition of the respective title is suppressed, which prohibits the grantee from the exercise of every liberty over his land according to his petition.

Being sufficiently argued, the vote was called, and it was approved by an absolute majority.

The first reading was given of the report of the committee on missions, made upon the petition of sundry individuals praying the formation of San Gabriel into a pueblo.

A petition was presented from citizen Agustin Olvera, secretary of the honorable body, asking a leave of fifteen days to go to San Diego.

It was received and taken up for discussion; whereupon it was granted to him, and resolved that the assembly take a recess until the return of the secretary, provided that, if any business shall offer previous to his return, his duties may be performed by such of the members as may be chosen when an occasion may require it.

An espediente from Timothy Murphy, for the grant of the place San Pedro, Santa Margarita, and Los Galinas, was presented.

Referred to the committee on vacant lands.

This being disposed of, the session adjourned.

Señor Abrigo being absent, sick; Señor Botillo, with permission, and Señor Noriaga on the committee on government.

(Signed) PIO PICO, *President.*
(Signed) AGUSTIN OLVERA, *Secretary.*

Session of the 23d day of March, 1846.

The proceedings of the 18th day of March having been approved, the second reading was given to the report of the committee on missions, which is annexed to the petition of sundry individuals praying that San Gabriel be constituted a pueblo. It was taken up for discussion in general, and adopted without it.

The mission of San Gabriel cannot be granted for a pueblo because of its liabilities for a large amount, to be paid in the manner that the honorable assembly may determine, when in order.

The note being in order, it was approved without discussion. Señor Botillo then arose and gave the second reading to a proposition which he presented in conformity with the rule, and which concludes with the following bill:

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* Bandini p. 307, 272

1st. The governor is authorized to carry into effect the object of the decree of the 28th of March of the preceding year, passed by this honorable assembly relative to missions for which purpose. Upon the impracticability of the case provided in the 3d article of said decree, the governor of the department will take such steps in the matter as he may deem most conducive to the preservation of the missions of San Gabriel, San Luis Rey, and San Diego, from total ruin, as also all others that may be in a similar condition.

2d. As the greater portion of said establishments have large liabilities, if the assets thereof should not be sufficient to cover their approved indebtedness, the provisions of the laws with respect to bankrupts shall be applicable to them, and a process be formed in conformity therewith.

3d. If, by the authorization of the governor, it should result that, in order to prevent the total destruction which threatens the said missions, he should determine the sale of them to individuals, it shall be made by public auction, after having given the usual notice.

4th. In case of a sale, if there should remain a surplus after the payment of the debts, it shall be disbursed amongst the Indians of the community of the establishment so sold, the governor availing himself of the mode which may be the most compatible with the just distribution thereof.

5th. In all cases it shall always be remembered to secure to the minister priests whatever may be necessary for their support and the expenditures for the preservation of divine worship, the governor being authorized to appropriate, according to his judgment, hearing and attending to the respective *religiosos,* one-half of the entire establishments, whether they consist of cultivated lands, real or other property, for the security of those two objects.

6th. The property which may be appropriated in pursuance of the preceding article shall be delivered as by sale, subject to a perpetual annuity of four per cent., the proceeds of which must be applied to the purposes provided in the said 5th article.

7th. Whatever may have been done up to the present time in pursuance of the decree of this honorable assembly of the 28th of May aforesaid, shall remain in full force and vigor; and in nowise does the present alter the contracts or means employed by the governor in virtue of the said decree of May, 1845, nor shall it in future hinder the execution of whatever may be done in accordance therewith.

8th. The governor will avoid the inconveniences for which it has been impossible to provide in the present decree, and within six months, at most, as long as its execution lasts, will lay before this honorable assembly an account of the effects of its enforcement.

It was received and referred to the committee on missions; whereupon it was resolved that, the present subject being one of the greatest urgency, there should be held a session on the next

Monday following, in order that the committee might present its respective report.

In continuation, in consideration of the secretary being absent from to-day with permission which he had, and that an important being already presented to the arbitration of the body, the appointment of a secretary *pro tem.* became indispensable.

Whereupon it was resolved that he should be chosen by nomination; which being done, Señor Arguello was chosen over Señor Figueroa by three votes to one.

There being no other business to occupy the session for to-day, it adjourned. Señor Abrigo being absent, sick; Señor Botello with leave, and Señor Noriaga on the committee on government.

(Signed.) PIO PICO, *President.*

(Signed.) S. ARGUILLO, *Deputy Secretary.*

Session of the 30th day of March, 1846.

The proceedings of the 23d of March being approved, the report of the committee on missions was read, and the president of the same made a few remarks upon the explanatory part thereof, relative to the plan of the bill presented by Señor Bandini at the previous session with respect to missions, and concluded with the following motion:

It was moved that the bill of Señor Bandini be taken up for discussion in its proper terms.

The president of the committee protested that he could not support it, because it did not coincide with his views of the subject.

Señor Figueroa moved that the second reading of the bill be dispensed with, which was carried, and the individual opinion of Señor Arguello being understood, who says: He does not approve the second paragraph of the explanatory part; he said that he reserved his opinion until the discussion for which the aforementioned bill of Señor Bandini was taken up, which concludes with the following articles:

1st. The governor is authorized to carry into effect the object of the decree of the 28th March of the preceding year passed by the honorable assembly relative to missions, for which purpose, upon the impracticability of the case provided in the 3d article of said decree, the governor of the department will take such steps in the matter as he may deem most conducive to the preservation of the missions of San Gabriel, San Luis Rey, and San Diego from total ruin, as also all the others that may be in the same condition.

Adopted without discussion.

2d. As the greater portion of said establishments have large liabilities, if the assets thereof should not be sufficient to cover their approved indebtedness, the provisions of the laws with respect to bankrupts shall be applicable to them, and a process shall be formed in conformity thereto.

Adopted without discussion.

3d. If, by the authorization of the governor, it should result that, in order to prevent the total destruction which threatens the said missions, he should determine the sale of them to individuals, it shall be made by public auction, after having given the usual notice.

Adopted without discussion.

4th. In case of a sale, if there should remain a surplus after the payment of the debts, it shall be distributed amongst the Indians of the community of the establishment so sold, the governor availing himself of the mode which may be the most compatible with the just distribution thereof.

Adopted without discussion.

5th. In all cases it shall always be remembered to secure to the minister priests whatever may be necessary for their support, and the expenditures for the preservation of divine worship, the governor being authorized to appropriate, according to his judgment, hearing and attending to the respective *reliogioss*, one-half of the entire establishments, whether they consist of cultivated lands, real or other property, for the security of these two objects.

Adopted without discussion.

6th. The property which may be appropriated in pursuance of the preceding article shall be delivered as by sale, subject to a perpetual annuity of four per cent., the proceeds of which necessarily must be applied to the purposes provided in said 5th article.

Adopted without discussion.

7th. Whatever may have been done up to the present time, in pursuance of the decree of this honorable assembly of the 28th of May aforesaid, shall remain in full force and vigor, and in no wise does the present alter the contracts or means employed by the governor in virtue of the said decree of May, 1845; nor shall it in future hinder the execution of whatever may be done in accordance therewith.

Adopted without discussion.

8th. The governor will avoid the inconveniences for which it has been impossible to provide in the present decree, and within six months, at most, as long as its execution lasts, will lay before this honorable body an account of the effects of its enforcement.

Adopted without discussion.

There being no other business before the session, it adjourned.

Señor Abrigo being absent, sick; Señor Botello with leave, and Señor Noriaga on the committee on the departmental government.

(Signed) PIO PICO, *President.*

(Signed) AGUSTIN OLVERO, *Secretary.*

Session of the 8th day of April, 1846.

The proceedings of the —— day of —— having been approved an official communication from the Honorable Don José Abrigo Vocal, in answer to that which was addressed him by the body, under date of March 6, was read, which answer is accompanied by the certificate of two facultations, which accredits his disability to travel on horseback, and, consequently, to leave his residence, where he has to place himself under treatment. The honorable assembly, considering as lawful the inability of Señor Abrigo to discharge the duties imposed upon him by law as a deputy, resolved that he should therefore be exempted from attending at the sessions, and that, in consequence, his vacancy be filled by the first substitute, next was read.

Session of the 15th day of April, 1846.

The proceedings of the 30th day of March last having been read and approved, the appointment of Don Pio Pico as constitutional governor of this department by his excellency the president of the republic, in virtue of the memorial made by the body on the twenty-seventh of the previous month of June, was read.

The honorable body having before it the superior decree, his excellency the president manifested that he was prepared to take the oath of office, and that therefore the day should be appointed to effect it; whereupon a lengthy discussion arose, upon the ground that there was not a sufficient number of the members present for the solemnizing of said act, and, in view of the importance of the subject, it was resolved, in conclusion, that the following proposition, made by Señor Bandini, be received, until the expiration of the term of the permits which have been granted by this honorable assembly to two of its members, the substitute who resides nearest the capital shall be called upon to complete a quorum. Taken up for discussion and sufficiently argued, it was unanimously adopted. Likewise the following were reported: an official communication from the minister of relations, under date of November ultimo, directed to the departmental governor, in which, by a supreme order, he is required to report what disposition he has made of the missions; that it is ascertained that the property thereof, which had been delivered to the priests for the administration of the temporalities, have been put up at public auction; and that meanwhile said report is being made, all proceedings with respect to the alienation of the aforesaid property be suspended. This communication being directed to the governor of the department, it was resolved by the body that it be returned to him for the manifestation of his opinion, after which the subject might be taken up for consideration.

The supreme decree of the 6th of August, which apportions the appropriation of revenue to the departments, read; a circular

from the minister of relations, bearing date the 21st of October last, relative to the organization of the police force that should exist in every settlement, (poblacion,) and the 134th article of the 19th part of the organic laws empowers the assembly to produce that which should be in the department, and to regulate its service according to the past above cited. Referred to the committee on police.

A communication from the commandant general of this department, dated March 17, to which was annexed a proclamation, which also was read, directed to the inhabitants, in consequence of the encounters had in the northern sections with Captain John C. Frémont, of the United States; said communication containing a paragraph by which it appears that the commandant general gives notice that his excellency the governor, not having made the visit by him requested to these parts for the purpose of his co-operation, he intends to proceed, in accordance with the superior orders which he has before him, to prevent the designs of the adventurers who are now finding their way along that frontier.

It was laid before the body, and Señor Bandini arose and made a speech, in which he denounced the conduct of the commandant general, and presented in its proper light his abuse of his authority, without any view in regard to the obligatory obedience enjoined upon him by the laws, and concluded by proposing that the governor should reply to him with decorum, and at the same time with that firmness and energy which a proceeding so disgraceful as that which has been perpetrated demands.

There being no other business, the session adjourned.

(Signed) PIO PICO, *President.*
(Signed) AUGUSTIN OLVERA,
Secretary.

His excellency Don Pio Pico, Don Francisco Figueroa, Don Juan Bandini, and Don Santiago Arguello, four members of the honorable assembly, assembled in extraordinary session in the government hall, at the city of Los Angeles, on the 18th day of the month of April, one thousand eight hundred and forty-six.

The illustrious ayuntemiento, the Señor Commander-in-chief, other officers, and a large number of intelligent citizens, being then and there present, Don Pio Pico remarked that he had received from the supreme government the appointment of constitutional governor; which document was presented and read in a loud voice to the honorable assembly at one of its former ordinary sessions, and that it was therefore resolved—

That he could take the oath of office; that it was necessary that it should be done with the greatest brevity; that the presence of a majority of the members of the assembly was necessary for the solemnization of said oath.

That the nearest substitute member should be notified to appear,

both for this solemn act and in order that the body be composed of a competent number to continue its labors upon the urgent business that remained pending, until the arrival of some of the members proper who are absent, since his excellency the governor, upon entering upon his duties, ceased to perform those of deputy; and in compliance with this resolution, Don Augustin Olvera, who was the nearest and one of the old members elect, had been solicited, in virtue of which he was present to take the corresponding oath and enter upon the exercise of his office. The subject being before the body, it proceeded in continuation to administer the oath to the said deputy, which being concluded, he took his respective seat.

His excellency Don Pio Pico then installed Don Francisco Figueroa president of the assembly with all the usual solemnities, after which his excellency delivered an appropriate speech upon the present condition of the country, solemnly declaring that he would employ his whole energy in remedying the evils that affect the department, protesting that he would use every possible means to effect it.

Señor Figueroa, president of the honorable assembly, responded in a discourse upon the principles discussed by his excellency, recommending him to employ all his powers to accomplish these objects with which the business was concluded.

And the session adjourned, concluding the proceeding with a solemn *Te Deum*, in which all the authorities and persons assembled participated.

Session of the 29th day of April, 1846.

The proceedings of the 24th day having been read and approved, it was resolved by the body to give the second reading to the report of the committee on government relative to the proposition presented by Señor Bandini at the session of the 2d of March, and that the subject relative to the commandant general should be taken up in secret session. The said report, after the second reading, was taken up for discussion in general; in the course of which, Señor Bandini, as the author of the proposition, moved that he should be allowed to withdraw it, the committee at the same time declaring that it would withdraw its report. But, notwithstanding this, the discussion was discontinued, and the subject declared to be sufficiently argued. There was no one who would vote for its adoption, and it was consequently lost.

Next, his excellency the governor arose and remarked that the abandonment in which the pueblos of the department existed was to him the source of painful regret; that it is attributable to the internal casualties which give occasion to the suffering of evils of incalculable magnitude, particularly by the continuous incursions of the barbarous Indians, and of which the inhabitants bitterly

complain; in demonstration of which, he manifested an original representation from the residents of the pueblo of San José Guadalupe, in which they complain that, in consequence of the constant attacks of the savages, they not only lose their property, but what is the most to be deplored is, that their own lives and those of their families are jeopardized; lamenting the great waste of the natural resources which a class of persons who are of no benefit receive; and proposing, at the conclusion of their memorial, the organization of a force of one hundred men, to be paid from the receipts of the custom-house at Monterey, at the rate of one dollar per diem for each man, for the purpose of making a campaign against the hostile Indians.

The matter was laid before the body, and Señor Bandini remarked that he would relinquish his salary as deputy in contribution of the important object of securing protection to the lives and property of the inhabitants, and proposed that a committee be appointed for the speedy despatch of the memorial from the citizens of the pueblo of San José Guadalupe.

The assembly declared itself to be in session only until the determination of this subject, which was taken under consideration, and the documents delivered to the committee on government, when the session was suspended.

The session having continued, the [committee] presented its report; and after being read, Senor Figueroa asked the suspension of the rule, to which the body agreed; whereupon it was submitted for discussion in general, and the vote being in order, it was adopted without it:

1st. After deducting the salaries of the civil officers from the two-thirds which are set apart by the last law of the 6th of August, 1845, as departmental revenue, the governor will dispose of the balance that may remain, which should necessarily be employed in the enlistment of men for a formal campaign against the barbarous Indians and the security of the department.

Adopted without discussion.

Article 2d. If the said balance be not sufficient to meet the necessary expenditures provided for in article 1st, the payment of one-third part of the civil account shall be suspended, and the officers shall always be considered as having a right to the full payment of their accounts whenever there may be a sufficiency of revenue to meet them.

Adopted without discussion.

Article 3d. A separate account shall be kept in the treasury office of all the expenditures which may be made for that object, of which a monthly return shall be made to the governor, which shall be laid before the honorable assembly by means of balances struck for that purpose.

Adopted without discussion.

Article 4th. Any assistance voluntarily contributed either in per-

son or property to the encouragement of this great and important object of the present decree shall be considered as a material service and esteemed as a merit advised by the general good of the department.

Adopted without discussion.

Article 5th. Persons desirous of contributing in the manner provided in article 4th will appear before the political authorities of the place, to whom they will make known the kind of assistance they offer.

Adopted without discussion.

Article 6th. All the authorities of the pueblos in which voluntary contributions shall be offered shall keep a book in which shall be entered all the particulars which may be designated by them, the parties interested signing the record; and a receipt shall be delivered to them for the things with which they contribute; if they consist in personal services, the respective roll shall be formed which shall be published every fifteen days, a duplicate or copy thereof being remitted to the governor of the department.

Appoved without discussion.

Article 7th. The provisions of the present decree shall be suspended so soon as the cause which induced it shall cease to exist, or whenever in the judgment of the honorable assembly it shall be considered unnecessary, the said governor of the departmen having previously laid it before them.

Adopted without discussion.

There being no other business before the body, the public session was adjourned, to enter into secret extraordinary session. Señor Abrigo being absent, sick; Señor Botello, with leave, and Señor Noriaga on the committee on government.

(Signed) PIO PICO, *President.*

(Signed) AUGUSTIN OLVERA, *Secretary pro tem.*

Session of the 8th day of May, 1846.

The proceedings of the 29th day of April were approved. An official communication from the Señor Vocal Don José Abrigo, in answer to that addressed to him by the body, under date of March 6, was reported, which answer is accompanied by the cirtificate of two *facultatives*, which accredits his disability to travel on horseback, and, consequently, to leave his residence, where he has to place himself under treatment.

The honorable assembly, considering as lawful the inability of Señor Abrigo to discharge the duties imposed upon him by law as a deputy, resolved that he should therefore be exempted from attendence at the sessions, and that, in consequence, his vacancy be filled by the first substitute.

In continuation, forty-five espedientes were reported, relative to grants of lands by the governor of the department to sundry individuals. Referred to committee on vacant lands.

There being no other business for the day before the body, the session adjourned.

Señor Abrigo being absent, sick; Señor Botelle, with leave, and Señor Noriaga an the committee on government.

(Signed) PIO PICO, *President.*
(Signed) AGUSTIN OLVERA,
Secretary pro tem.

Session of the 11th day of March, 1846.

The proceedings of the previous session were read and approved; when, by order of his excellency the governor, an official communication from the Señor Deputy Don Francisco de la Guerra was reported, in reply to that directed to him by the governor, under date of the 26th ultimo, causing the conduct observed in the execution of the commission which he bore to Monterey, the object of which is to satisfy the governor that he had reported the result of the despatches with which he had been entrusted near the commandant general as soon as it could be obtained—the day after his arrival at Monterey.

That, desirous that the result should reach the governor, and trusting to the good faith of the commandant general, who offered to despatch a soldier for the sole purpose of transmitting with the greatest brevity, even to the delivery of it to his excellency the governor, he gave it to him in his own hands; and that, therefore, placing confidence in this offer, he supposed that his excellency was in the receipt of the said contestation; in proof whereof the Señor Deputy de la Guerra remarked that he preserved a copy of the communication which he had directed to the commandant general under date of the 5th instant, the tenor of which is to call the commandant to account for his vicious conduct, and demanding an explanation of this proceeding, admitting that he had a favorable opportunity, by the departure of the vessel belonging to Señor Dalton, and did not avail himself of it, confiding in the promise that he had made to him to despatch an extraordinary courier, which, without any cause whatever, he had violated. The reading of these documents being concluded, Señor Guerra, who was present, remarked that the governor and the honorable assembly would thereby be satisfied that, on his part, he had endeavored, as far as possible, to discharge his commission, at least, in giving prompt notice to its termination. Laid before the body.

Next, a communication from the commandant general, dated 28th ult., was reported, the purport of which is to give information that, in concert with the principal military commanders and the señor prefecto of the second district, he had appointed and commissioned Don Pablo de la Guerra for the purpose of laying before the governor, the honorable assembly, and other authori-

ties, the critical condition in which the country exists, and for this purpose the señor commissioner had the necessary instructions.

The president, his excellency the governor, observed that, according to the information of the commissioner, he had no other instructions than to exhibit the state of the affairs of the country.

Whereupon it was moved by Señor Bandini that a resolution be adopted requesting the señor commissioner to manifest the instructions that the commandant general had given him. Therefore, the said commissioner, being then present, was requested to make the said manifestation. The gentleman arose and remarked that he had not received any particular instructions. That the object of the commandant general was, through him, to respond to the governor and honorable assembly that, by the last advices received from the interior, information was obtained that the administration of his excellency Don José Joaquino de Herrera had declined, in consequence of the apathy for the prosecution of the Texas war, which affair was about to be terminated; that the aspect thereof had changed upon Señor Paredes entering the presidency, and this for the despoilment of the government.

That some of the departments of the interior at present were in opposition, which induced the belief that the nation existed in a state of entire confusion; that there appeared to be no doubt that war would very soon be declared against the United States.

That this presumption seems to be confirmed by the preparations that were being made; that the port of Mazatlan was blockaded, and that the principal authorities had retired into the interior, removing likewise the troops and munitions of war.

That the commandant general of this Department, considering that although these advices were not received, he deemed it proper to appoint the commissioner for the accomplishment of the object in order that the general state of affairs, and particularly that which exists in this Department, being opposed, measures were adopted which would promote the protection of the country against that which threatens it.

Señor Bandini made a lengthy speech upon the subject, the purport of which was substantially to expose the disorderly conduct of the commandant general, who is well aware that the governor and departmental assembly have not been ignorant of the advices and events which to-day are communicated to them as something new; as also that, only a few days ago, he violated a despatch from the governor, and opposed the solicitation, notwithstanding it was an affair which only sought the union of the principal authorities, in order to undertake with effect the work of remedying the evils, and to keep in view the preventing that the stigma of again returning to slavery fall upon them for the want; that, likewise, in the proceedings which the commandant general last directed, it appears that a disavowal was

made on the part of the principal authorities, and that there was a disposition to act capriciously.

Why does the commandant general come now with demonstrations which prove the falsity of his acts? Nothing more than a desire to induce the governor to compromise himself by authorizing disorders.

And that he did not know how the evils which are already upon us, and which, if they had been foreseen in time, might have been averted, could be remedied.

The señor commissioner, being permitted to make some explanation relative to his mission, remarked that having forgotten to lay before the honorable assembly, now does so, which was, that the commanding general recommended him very particularly to write his excellency the governor to hold an interview with him at the point of San Luis Obispo, and with this the object of his mission was fulfilled.

Señor Bandini again arose, and proposed, considering the proceedings had upon the subject, which he recited, that the governor decide whether he deemed the matter of sufficiently urgent importance for him to leave the capitol, granted that it is thus provided by the rules which are being observed.

Upon this view of the subject, his excellency the governor, after having intimated that he wished permission to be granted him to leave the capitol, promised to consult the body at the next session the causes that should exist in order to determine whether the subject was an urgent one; wherewith, the proceedings being concluded, the session adjourned, Señor Botella having been absent with leave, and Señor Abrigo sick.

(Signed) PIO PICO, *President.*

(Signed) AUGUSTIN OLVERA, *Secretary pro tem.*

Session of the 13th day of May, 1846.

The proceedings of day before yesterday being approved, a communication from the superior government was reported, in which is inserted a supreme order directed to it, requiring a report of the condition of the missions, suspending meanwhile whatever may have been determined in regard to them.

The object of the said communication from the governor is to consult what should be done, since it appears to him that what, up to the present time, has been provided is the most suitable for preventing the total and irreparable ruin of the said establishments, notwithstanding the body would determine.

Referred to the committee on missions.

A resolution from the illustrious ayuntamiento of this city was read, in which it asks whether the governor can take up the resolutions of the ayuntamientos, treating, as the chief object, upon the taxes upon dances and the fines imposed upon the Indians,

referred to committee on police. Señor Figueroa remarked, that, considering at the present time the bill presented by the committee on government, relative to the message of his excellency the governor, at the opening of the sessions, to be entirely in order, as also the proposition of Señor Bandini, as a member of the committee, he moved that it be considered as pending, and that the further proceedings thereupon be continued. It was taken under consideration and read again, when Señor Figueroa observed, that having now been read twice, he asked that any further consideration thereof be dispensed with; which was agreed to, and the bill was taken up for discussion in general and adopted.

The discussion was continued upon each of the articles separately, and, after being sufficiently argued, the articles, from first to tenth, were adopted, in the following order:

Article 1st. There shall be held on the 15th day of June of the present year a general junta, composed of the deputies chosen by the districts as hereinafter mentioned.

Article 2d. These deputies shall be chosen on the 30th day of May in the following order: Sonoma, one; San Francisco, one; San José, two; Monterey, four; Santa Barbara, four; and San Diega, two.

Article 3d. The election shall be by nomination by the public assembly; the chief local authority of each of the above mentioned districts presiding, who shall appoint the persons to act as secretaries.

Article 4th. A certificate, signed by the president and secretaries, shall be delivered to each of the members, which shall serve them as credentials to present to the general junta; and the governor of the department shall be notified of such compliance.

Article 5th. The general junta, established by article first, shall meet at Santa Barbara, and determine the time of its duration and the order of its sessions.

His excellency the governor of the department shall preside over it, or, in his default, whomsoever the said junta shall elect.

Article 6th. The governor will request of the aforesaid junta the incorporation from the ecclesiastical and military classes such a number of individuals as those two authorities may deem convenient, not to exceed five in number.

Article 7th. The object of the general junta shall be, after having been laid before it the deplorable condition in which the department finds itself, to instruct the governor to take every precaution necessary to prevent the occurrence of the calamities which threaten us from within and from without.

Article 8th. This junta shall be called the General Council of the United Pueblos of the Californias, and styled Most Excellent, and its members Honorable.

Article 9th. The members of the honorable assembly can convene as members belonging to the said junta, and shall have a voice and vote in all its deliberations.

Article 10th. If there should be convened twelve persons elected by the aforesaid districts, the junta shall open its session on the 15th day of June, appointed in article first.

After which, it was resolved that the report should be published, and that the foregoing articles with which it concludes should be adopted for their obedience.

Señor Guerra asked leave of the body for three months to go to Santa Barbara; which was rejected.

There being no other business, the session adjourned. Señor Botillo being absent with leave, and Señor Abrigo sick.

(Signed) PIO PICO, *President.*

(Signed) AGUSTIN OLVERA, *D. Secretary.*

Session of the 15th day of May, 1846.

The proceedings of day before yesterday being approved, the second reading of the report of the committee on ways and means, upon the memorial of sundry individuals of Santa Barbara, was had, in which they pray that the manufacturers may be exempted from the payment of duties upon liquors.

Señor Arguello moved that its second reading be dispensed with; which motion was rejected by the body.

The report of the committee on vacant lands annexed to the espediente, instituted by citizen Antonio Machado, was read the first time; said espediente was formed in consequence of the illustrious ayuntamiento of this capitol having granted to Don José Anzar a tract of land.

The subject being so much discussed, on motion of Señor Bandini to dispense with the regular proceedings thereupon, and to take it up for discussion; when it was taken up and adopted as a whole without argument.

1st. That the ayuntamiento of this capitol shall notify citizen Antonio Machado hereof, that, having been notified of this act, he will proceed to cultivate and enclose the land denounced within the space of three months; otherwise the illustrious ayuntamiento will adjudge it as pertaining to the commons thereof, for its convenient purposes, or to Señor Anzar, if he should want it, under the regulations in such cases by law made and provided; adopted without discussion.

2d. In case Señor Machado should occupy the said land, if there should be any buildings, fencing, or any other kind of real property, we shall indemnify the person who may recognize his property, either by an individual agreement or by the decision of two arbiters who shall be appointed by the first alcalde of this city.

There being no other business, the session adjourned. Señor Botillo being absent, with leave.

(Signed.) PIO PICO, *President.*

(Signed.) AGUSTIN OLVERA,
Secretary pro tem.

Session of the 3d day of June, 1846.

The proceedings of the 15th day of May last being approved, the second reading was given to the report of the committee on ways and means, which is annexed to the representation of a portion of the citizens of Santa Barbara, after being sufficiently

Resolved, That it should be returned to the committee to be reformed, the president of the committee having thus requested, in consequence of having in his possession the proclamation to which the petitioners referred, the following was reported:

1st. A communication and resolution from the illustrious ayuntamiento of this capitol, asking that a general proclamation relative to the sale of beef hides be so amended as more effectually to procure the security of the cattle, for which purpose the proclamations made in previous years which treat upon the subject are annexed to the aforesaid communication; the whole was referred to the committee on police.

2d. Another from the same ayuntamiento, acknowledging the receipt of that which was directed to it under date of the 16th ultimo, and inserting the resolution that the espediente of citizen Antonio Machado should be suspended.

3d. A petition from Don Manuel Pinino, asking the approval of the rancho granted to him on the Sacramento river, being admitted, it was ordered to be annexed to the respective espediente, and referred to the committee on vacant lands.

4th. A motion of like import from Don Manuel Garfins for the place called San Pascual. Referred to the same committee.

5th. A proposition from the Señor Vocal Don Francisco Figueroa, which is as follows:

SIR: The grievous damage which the Indians are continually causing to the ranchos in the demarcation of Los Angeles, by their frequent robberies of horses, being notorious, and in view of the insupportable difficulty, for the want of funds, to organize forces for the pursuit of these savages, and desiring to remedy, as much as possible, the evils that affect the country, he presents the following bill to the deliberation of the honorable assembly:

Article 1. Meanwhile the necessary forces for the pursuit of the savages is being raised, a military post, composed of twelve men, with a commander, enlisted for one year or longer, be established at the place named El Cajón for no other object than the restraining of the thieving Indians, and to prevent their egress, with or without horses, and to castigate them whenever it may be possible.

2. The governor is authorized to negotiate a loan for the support of this post, upon such terms as he may deem proper, until a law shall be enacted for the creation of rewards for the payment

of those espedientes, and to solicit a gratuity from the ranchos for the same purpose.

3. The commandant shall be appointed by the governor, who can remove him whenever he may deem it necessary.

4. The governor will provide the necessary arms and munitions, and such as may be rendered useless through the neglect of those who manage them shall be replaced and repaired at their cost.

5. The governor shall assign the salaries which these forces are to receive, and regulate their service. Received and referred to the committee on police.

Sundry concluded espedientes relative to grants of lands were presented, to which are annexed the corresponding reports of the committee on vacant lands after a particular examination thereof.

Upon a motion to dispense with the second reading of the said reports, the subject was taken under consideration. It was taken up for discussion in general, and they were approved without it. The consideration of each proposition separately was continued, whereupon they were approved as they appear in the following terms:

Upon the espedientes marked 170: The grant of one thousand varas square, in the site of San Pedro y San Pablo, the embracadero of Santa Clara made to citizen Diego Forbes, is approved in conformity with the title issued under date of August 21, 1839, according to the law of the 18th of August, 1824, and the article 5th of the regulation of the 21st of November, 1828.

Upon espediente number 247: The grant made to Juan Foster, a naturalized citizen of the place called Trabuco, containing five square leagues, including three in augmentation of two which lie around in the jurisdiction of San Juan Capistrano, is approved conformably to the title issued under date of April 25th of the present year, and in conformity with the law of the 18th August, 1824, and the article 5th of the regulation of the 21st of November, 1828.

Upon the espediente of citizens Jorge Murillo and Teodoro Romero: The grant made to the citizens Jorge Murillo and Teodoro Romero, of the side of Potrero de la Mission Virga de San Gabriel, by title issued under date of April 18th of the past year, in accordance with the law of the 18th of August, 1824, and the article 5th of the regulation of the 21st of November, 1828.

Upon that of Don Juan Foster: The grant made to Juan Foster, a naturalized citizen of the Potrero de la Surra del Agua Catrinto de San Juan Capistrano, by title issued under date of April 11th of the present year, in entire conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of 21st November, 1828.

Upon that of Manuel Antonio, of the site of the Mission Virga de San Gabriel, with the extent of one square league, a little more or less, according to the title issued under date of the 8th of

last year, past in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of Don Ramon Malo. The grant made to citizen Ramon Malo of the place called Santa Rita, in the jurisdiction of Santa Barbara, containing three square leagues, a little more or less, in extent, according to title issued under date of April 1st of the last year past, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of November 21, 1828, is approved.

Upon that of Doña Maria Antonio Dominguez. The grant made in favor of Doña Maria Antonio Dominguez de Catello of the place named Lesgave, jurisdiction of Santa Barbara, to the extent delineated on the diseño which forms a part of the *espediente*, according to the decree of the governor dated April 17th of the last year past, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st November, 1828, is approved.

Upon that of the Indignios, Pio Cristobal and Marios, of the Mission of Santa Clara. The grant made to the Indignios, Pio Cristobal and Marios, of the place named Ulista, jurisdiction of Santa Clara, by title issued bearing date May 17th of the last year past, in conformity with the law of 18th of August, 1824, and the 5th article of the regulations of the 21st of November, 1828, is approved.

That of Don Antonio Ma Villa. The grant made to citizen Antonia Ma Villa of the place Tequepes, jurisdiction of Santa Barbara, of two square leagues of land in extent, according to title issued by the governor on the 20th of March of the last year past, in entire conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st November, 1828, is approved.

Upon that of Don Cayetano Joares. The grant made to citizen Cayetano Joares of the place Zohaka, near Cape Mendicino, jurisdiction of Sonoma, to the extent of eight square leagues, according to title issued under date of May 24th of the last year past, in conformity with the law of the 18th of August, 1824, and the 5th article of the Regulation of the 21st November, 1828, is approved.

Upon that of Filipe of the mission of San Luis Rey. The grant made to the Indiguel Filipe of the place known by the name of Buena Vista, jurisdiction of San Diego, of the extent of half a square league, according to title issued on the 8th of July last, in conformity with the law of the 18th of August, 1824, and the 5th article of the Regulation of the 21st of November, 1828, is approved.

Upon that of Urbano, Odon and Manuel. The grant made to the Indignios, of San Fernando, Urbano, Odon, and Manuel, of the place called Escapion de los Angelss, according to title issued

under date of the 1st of August last, to the extent of half a square league, in conformity with the law of the 18th of August, 1824, and the 5th article of the Regulation of the 21st of November, 1828, is approved.

Upon that of Don Agustin Olvera. The grant made to citizen Agustin Olvera, of the place known as Sinia de Cayamaca, in the jurisdiction of San Diego, to the extent cited in the 3d condition of title issued under date of August 11, 1845, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved upon that of Sino Maria. The grant made to the Indiguel Sino Maria of the land which he possesses, near the mission of San Buena Ventura to the extent of 5.71 varas in circumference, and an aqueduct of 100.7 varas, according to title issued under date of the 23d of September last, in conformity with the law of the 18th of August, 1824, and the 5th article of the 21st of November, 1828, is approved.

Upon that of Don José Ma. Orosco. The grant made to citizen José Ma. Orosco, of the place known as Guyito y Cañada de Calorma, to the extent of three square leagues, in the jurisdiction of San Diego, according to title issued under date of the 23d of September last, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of November 21, 1828, is approved.

Upon that of Don José Dominguez. The grant made to the citizen José Dominguez, of the place Prietos y Nagal Ayegua, jurisdiction of Santa Barbara, to the extent designated by the diseño which forms a part of this espediente, according to title issued on the 24th of September last in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of the Señores Doña Maria Josefa Carrillo de Fitch and Guadalupe Estredello de Arguello. The grant made to Doña Josefa Carrillo de Fitch and Doña Guadalupe Estredello de Arguello, of the place called Villa de las Palorins, jurisdiction of San Diego, in Lower California, to the extent of 11 square leagues, according to title issued under date of the 26th of September, of the last year past, in conformity with the law of the 18th of August, 1824, and 5th article of the regulation of 21st November, 1828, is approved.

Upon that of the Señors Don Joaquin and Don José Anto. Carrillo. The grant made to the citizens Joaquin and José Anto. Carrillo, of the place named Mission Viega de la Purisima, to the extent of one square league, a little more or less, according to title issued under date of November 20, of the last year past, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of Maximo Siaz. The grant made to citizen Maximo Siaz of the place called Santa Gertrudis, at Santo Hurnas, in Lower California, to the extent of one square league, according to title issued under date of November 22, of the last year past, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of Bartolemo Bojorquiz. The grant made to citizen Bartolemo Bojorquiz of the place named Laguna de San Antonio, in Sonoma, to the extent of six leagues, according to title issued under date of November 25, of the last year past, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of Don Nepomocio Padilla. The grant made to citizen Juan Nepomocio Padilla of the place named Roblar de la Misma, jurisdiction of Sonoma, to the extent of four square leagues, a little more or less, according to title issued under date of November 25, last, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulations of the 21st November, 1828, is approved.

Upon that of Don Juan Foster. The grant made to the naturalized citizen Don Juan Foster of the place known by the name of Rancho de la Nacion, jurisdiction of San Diego, containing six square leagues, according to title issued under date of December 11, of the last year past, in entire conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of November 21, 1828, is approved.

Upon that of Don Pio Pico. The grant made to citizen Pio Pico of the place named Jamal, jurisdiction of San Diego, to the extent of ten square leagues, a little more or less, according to title issued under date of December 23, of the last year past, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of Don Jasus Noe. The grant made to the citizen José de Jesus Noe of the place near the ex-mission of Dolores, to the extent of one square league, according to title issued under date of December 23, of the last year past, in entire conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of Don Juan Lopez. The grant made to citizen Juan Lopez of the place called Cañada de San Viecente Y. Mesa del Padre Barum, jurisdiction of San Diego, to the extent of three square leagues, a little more or less, according to title issued under date of January 25, of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulations of the 21st of November, 1828, is approved.

Upon that of Don Juan Muchado. The grant made to the citi-

zen Juan Muchado of the place known by the name of Deseanso, jurisdiction of Lower California, to the extent of six square leagues, a little more or less, making the indemnification provided by the 2d condition of the title issued under date of January 27, of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulations of the 21st of November, 1828, is approved.

Upon that of J. Manriquel, R. Yuba, C. Dominguez, J. Manriquel, and J. Dominguez. The grant made to citizens Julian Manriquel, Ramon Yuba, Carlos Dominguez, Juan Manriquel, and José Domingues, of the tract of land in Mission Viega, San Miguel jurisdiction of Lower California, to the extent represented by the diseño and described in the 2d condition of the title issued under date of January 29, of the present year, and in conformity with the law of the 18th August, 1844, and the 5th article of the regulation of November 21, 1828, is approved.

Upon that of Juan Moreno. The grant made to citizen Juan Moreno, of the place known by the name of Santa Rosa, jurisdiction of San Diego, to the extent delineated by the diseño, according to title issued under date of January 30 of the present year, and in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st November, 1828, is approved.

Upon that of the Minister of Santo Tomas. The grant made in favor of the Church of Santo Tomas, in Lower California, for the purposes of Divine worship and the support of the father ministro, of two square leagues, in which are included the building and orchard, according to title issued under date of February 23, of the previous year, and in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of November 21, 1828, is approved.

Upon that of Don Able Stearns. The grant made to the naturalized citizen Able Stearns, of the place known as Los Valecitos, jurisdiction of Lower California, to the extent of two square leagues, according to title issued under date of March 17, of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

Upon that of Francisco Berryesa, the grant made to citizen Francisco Berryesa of the place known by the name of Rincon de Misulacion, in Sonoma, to the extent of two square leagues, according to title issued under date of May 2d, of the present year, in entire conformity with the law of the 18th August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved. Upon that of Santiago Narciso and Francisco Berryesa, the grant made to citizens Santiago Narciso and Francisco Berreysa, brothers, of the place named Cañada de Cupuy, jurisdiction of Sonoma, to the extent of nine square leagues, ac-

cording to the title issued under date of May 3d, of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved. Upon that of Doña Maria del Rosario Estudillo de Aguirre, the grant made to Doña Maria del Rosario Estudillo de Aguirre of the land which remains as a surplus (sobrante) from the Ranchos San Jacinto Viego and Nuevo, jurisdiction of San Diego, according to title issued under date of May 2d, of the present year, and in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, is approved. His excellency the governor, after making a verbal explanation, presented a copy of the act of the 2d of the previous April, which was framed at Monterey by the Junta called by the commandant general and staff, the object of which is to second the plan of General Parides, protesting also against the acts of the former administration upon everything relative to this department, as contrary to the instructions given by the inhabitants of the north.

At the same time a communication from the commandant general was read, in which he gives information that Captain Frémont, of the United States, is determined to invade the country with a considerable force, and the General requests the presence of his excellency the governor. The whole being laid before the honorable assembly, it investigated the affair with the greatest care and attention, and, after various suggestions, the following was unanimously resolved:

1st. The meeting of the assembly which, by a resolution of the 13th of May last, should be held at Santa Barbara on the 15th of the present month, is suspended by the same persons who passed it, notwithstanding they may be chosen.

2d. The governor will despatch with the greatest brevity possible, the necessary communications to the respective authorities, in order that they may communicate the provisions of the preceding article to the representatives who may be elected, to the end that for the present they may not undertake their journey until further instructed.

3d. The governor will employ all the means that he may deem conducive to the honorable protection of the department against the damages with which it has to contend with, leaving the inhabitants in tranquility, and their property in security; there being no other business, the session adjourned.

(Signed,) PIO PICO, *President.*
(Signed,) AGUSTIN OLVERA, *Secretary pro tem.*

Session of the 10th day of June, 1946.

The proceedings of the previous session being approved, the reports of the committee on vacant lands which are annexed to a number of espedientes of lands granted were read, and the other

proceedings thereupon being dispensed with, they were taken up for discussion and adopted in general without it.

The discussion was continued upon each proposition separately, and being sufficiently discussed, the vote was in order, they were all adopted as follows :

The grant made to the naturalized citizen, Santiago Black, of the place known by the name of Jouive, jurisdiction of Sonoma, according to title issued under date of February 5th, of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulations of the 21st November, 1828, is approved.

The grant made to citizen Ramon Rodriguez, of the place Cañada de San Miguel, also known by the name of Cañada del Diablo, jurisdiction of Santa Barbara, to the extent of two square leagues according to title issued under date of March 21st, of the present year, and in conformity with the law of the 18th of August, 1824, and the 5th article of the regulations of the 21st of November, 1828, is approved.

The grant made to Doña Maria Arrelanes of a piece of land in San Luis Obispo, to the extent of three hundred varas square according to decree of the 28th of March of the present year is approved.

The grant made to citizen J. Mariano Bonilla, of the augmentation of three square leagues to the place which he owns named El Huerguero, jurisdiction of San Luis Obispo, according to title issued under date of March 28th of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, is approved.

The grant made to the citizen Ernisto Rufus of the place Rancho de Gorman, jurisdiction of Sonoma, to the extent of five sitios, (square leagues,) according to the title issued under date of April 8th of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

The grant made to the naturalized citizen Pedro Sainsevane, of the place named Rincon del Rio de San Lorenzo, jurisdiction of Monterey, according to title issued under date of April 21st of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of November 21, 1828, is approved.

The grant made to the naturalized citizen Isaac J. Sparks, of the place known by the name of Hunsua, jurisdiction of Santa Barbara, to the extent of five square leagues, according to title issued under date of December 8, 1843, in conformity with the law of the 18th of August, 1824, and the article 5th of the regulation of the 21st of November, 1828, is approved.

The grant made to citizens Ramon and Leandro Osuna, brothers of the place known as Villa de Vejos y Mesa del Arras, juris,

diction of San Diego, to the extent of four square leagues, according to title issued under date of May 1st, of the present year, in conformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved.

The grant made to the citizen Fernando Pico, of a piece of land at the Mission of San Buenaventura, to the extent of four hundred varas square, according to title issued under date of October 24, of the last year past, in accordance with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st of November, 1828, is approved. A petition from citizen Francisco Gomero was reported, in which he prays the approval of a tract of land which had been granted to him by his excellency the departmental governor; referred to committee on vacant lands. The espedientes instituted by the Messrs. Don Felipe Castillo, Don Tomas Sanchez Colima, and Don Casario Lataillado, were reported, which are pending for the approval of the honorable assembly; being laid before the body they were referred to the committee on vacant lands. The report of the committee on police, upon the memorial of the illustrious ayuntamiento of this capital in regard to the proclamation of the 8th of October last relative to beef hides, was read the first time, and on motion of Senor Figueroa, the rules were suspended, and was taken up for discussion in general; being sufficiently discussed, the vote was in order; it was adopted.

Art. 1st. All persons who convey hides to the beach from the sections where there is no natural brand to embark them, will be required to do so by virtue of the permit required by the 6th article of the decree of the 8th of October of the last year past, and he who should do so without this requisite shall be fined, for the first offence, five dollars, and for the second, ten dollars, which shall go to the funds of the respective municipalities.

Having been sufficiently discussed, and the vote being in order, it was adopted.

2d. The same penalty shall be inflicted upon those who convey said hides from the districts in which the means exist to mark them, without the mark mentioned in the foregoing article; being discussed sufficiently, the vote was in order, and it was adopted.

3d. The authorities mentioned in the 7th article of the said decree are authorized to allow the person who may be appointed for the inspection of hides in their respective parts one-third of those which may be confiscated, in conformity with the 4th article of said decree; sufficiently argued, the vote was taken in order, and it was adopted.

4th. The anthorities cited in the 6th article of the above mentioned decree, and the *encargardos* de justicia, shall issue the permits referred to in the 1st article of this supplement; having been sufficiently argued, it was adopted.

It was resolved by the assembly that the documents which it accompanied, with its respective memorial, should be returned to the illustrious ayuntamiento of this capitol.

There being no other business, the session was adjourned.

(Signed) FRANCISCO FIGUEROA, *President.*
(Signed) AGUSTIN OLVIRA, *Secretary pro. tem.*

Session of the 15th day of June, 1846.

The proceedings of the previous session being approved, an official communication from the illustrious ayuntamiento, in the form of a proposal, was reported, to which are annexed an official note from the secretary of state, in which it is provided, by order of his excellency the governor, that the dispositions of the ayuntamiento be transmitted to the governor for his signature, and a proposition from one of the members of that body requesting that the proper explanation be made, as the powers of the governor are assigned to them according to the organic laws.

The whole being laid before the body, its decision was considered important, for which it was taken up for discussion, and being sufficiently argued, it was resolved, as a subject of general interest to the department, that, meanwhile, the ordinances required by article 134 of the 10th power of the organic laws shall be passed; all the measures emanating from the ayuntamientos or the authorities who exercise their functions under the department be submitted to the governor, for him to act in conformity with the latter part of the article 152 of the decree of the 20th March, 1837; it was then resolved that notwithstanding there would not remain a quorum in the assembly in consequence of the absence of Señor Olvira, to continue its session. The señors deputados were despatched, to meet again promptly whenever the governor shall direct any communication from the districts of the north.

There being no other business, the session was adjourned.

(Signed) FRANCISCO FIGUEROA, *President.*
(Signed) NARCISO BOTELLO, *Sec'y ad intreim.*

Session of the 1st of July, 1846.

The proceedings of the previous session having been read and approved, the president remarked that in consequence of the absence of the secretary of the assembly, it became necessary to appoint from amongst the members present one who should discharge the said functions.

The subject was taken under consideration, and Señor Botello was selected by the majority.

A communication from his excellency the governor of this department, dated San Buenaventura, 18th day of June, last, enclosing an official communication from D. José Castro, commandant general, *ad interim*, dated the 8th of the said June, last, was presented.

In which the said chief insults and grossly offends the honor and representation of the honorable assembly and the governor of the department, founded upon the decree passed by this honorable body on the 13th of last May, denominated general council of the United Pueblos of California.

The honorable body having considered the whole affair, resolved, by an absolute unanimity, that the said offensive communication from Señor Castro be deferred, thereby suspending the effects which it might produce until the adjustment of the existing and critical condition in which the department finds itself by the invasions along the northern districts of a party of foreigners, which affair should occupy the deliberations of the assembly in preference to all other business.

Also another official communication from his excellency the governor, dated Santa Barbara, on the 23d of the aforesaid June, accompanied with three copies of documents received from the districts of the north relative to the invasion of Sonoma by some foreigners, who captured the Messrs. M. G. and Salvador Vallejo, and Don Victor Prudon, and Don Luis Luse, expressing his excellency in said communication a desire to have this honorable body near the governor, in order to consult with it upon the management and means of saving the country.

Another from his excellency the said governor, dated the 29th of the aforesaid June, accompanied with eight documents relative to the said events at Sonoma, among which is found a copy of a proclamation signed by William B. Yde, who was at the head of the foreigners who had taken the aforesaid point at Sonoma, declaring therein the flag which they had hoisted, concluding his excellency the said communication with an invitation to this honorable assembly to repair without delay to that point of Santa Babara to enact the necessary measures to save the department and chastise the invaders, making it responsible before God and the nation if it should neglect to go to that point.

Permission being granted to the Senor Bandine, he remarked that he deeply regretted to see that notwithstanding the magnitude of the offence offered to this assembly by the commandant General D. José Castro in the communication which had just been read, and which in consequence of the actual condition of the country must be deferred for the present, the assembly at the same time is threatened by the departmental governor with the responsibility expressed in his official communication, likewise just read, for no other cause than that of neglecting to repair to Santa Babara, to which point he invites it.

He asks that his excellency the governor be informed by this honorable body that it is free from the aforesaid responsibility, because that besides the fact that there cannot be found a single instance in which it has refused to consult with him upon such affairs as have presented themselves to it, its acts have always been in conformity with the laws; since time existed no powerful inducement which compels the honorable body to abandon the place of residence assigned to it by the same laws.

The Señor President arose, and proposed that a committee be appointed to report upon the said communication from the governor.

The proposition was taken under consideration, whereupon Messrs. Bandine and Arguello were appointed said committee. Señor Muraga represented that the governor had charged him to return speedily to Santa Babara with the resolution of the honorable assembly, and desired that the committee would have the kindness to report as soon as possible. The committee promised to comply with his request, and to notify the president for the convocation of an extraordinary session.

There being no other business the session adjourned.

FRANCISCO FIGUEROA, *President.*
NARCISO BOTELLO, *Secretary pro tem.*

Extra session of the 2nd day of July 1846, convoked by the Señor President in consequence of a notice from the committee appointed at the ordinary session of day before yesterday; and the report of the said committee being read the first time, the latter asked the suspension of the rules, inasmuch as the condition of the country requires it.

Being taken under consideration it was put to discussion, and being adopted as a whole, as also particularly the articles with which the said report concludes; the tenor of which is as follows:

As long as the actual condition of the country exists the governor shall establish a weekly courier at all the towns throughout the department, to be paid from the departmental revenue.

It was resolved by this honorable assembly that the respective decree be sent to his excellency the governor for its publication, and a copy of the aforesaid report, certified by the secretary, for his information, as the result of his communication relative thereto of the 29th June last.

Señor Muraga asked leave and remarked, that upon his deparlure from Santa Barbara for this city his excellency the governor particularly charged him to return the eight documents which he remitted relative to the incident of Sonomo, in case the honorable assembly should determine to remove to that point, and that he therefore asked the honorable body to return the said documents to him for the fulfilment of that requirement, whereupon it was resolved by this honorable body that the aforesaid eight documents be remitted

to his excellency the governor, requiring certified copies thereof as being necessary, the proof thereof in the archives of the assembly.

The business of so requiring it, the present proceedings, were read and approved at the instant; and there being no other business the session was adjourned.

FRANCISCO FIGUEROA, *President.*
NARCISO BOTELLO, *Secretary pro tem.*

Session of the 3d day of July, 1846.

The proceedings of the session of the first day of the present month being read and approved, the Señor President reported that he had already despatched to his excellency the governor the communication directed by this honorable assembly at an extraordinary session of yesterday.

That in order to devise the proper measures it is necessary for this honorable body to investigate the points, and the subject being laid before the assembly it was resolved to await the said explanations, so as in view thereof to decree whatever may be the most conducive to the security of the country.

There being no other business the session was adjourned.

FRANCISCO FIGUEROA, *President.*
NARCISO BOTELLO, *Secretary pro tem.*

Session of the 6th day of July, 1846.

The proceedings of the preceding session being read and approved, an official communication from his excellency the governor, dated the 24th of June last, was reported, which he directs in consultation to this honorable assembly, accompanied with three documents relative to the bill for colonization, presented by the reverend presbyter Don Eugenio McNamara, a native of Ireland, to the supreme national government, and to the department, with a very special recommendation from the latter.

That the aforesaid bill for colonization in California be adopted, in which he proposes to introduce 2,000 families from the said Ireland, who will amount to 10,000 souls, the whole being laid before the honorable body, it was resolved that it be referred to a special committee, who will report upon the subject as early as possible. The Señors Bandine and Arguello being appointed said committee.

Señor Bandine arose and remarked that, in consequence of being considerably indisposed, he cannot promise to fulfill the entire purpose of his committee, but that desirous to assist the honorable assembly as far as it may be possible, he will do all that he can, as the intervals of relief from his illness may permit him to do.

That he therefore gives notice that these will be the last sessions at which he can assist, as his debilitated health requires a formal treatment.

There being no other business, the session was adjourned.

(Signed) FRANCISCO FIGUEROA, *President.*
(Signed) NARCISO BOTELLO, *Secr'y pro tem.*

Extra session of the 7th day of July, 1846.

The special committee appointed at the ordinary session of yesterday upon the subject of colonization presented their report, which was read, and the rules being suspended, on motion of the said committee, it was taken up for discussion as a whole, and the seven articles with which it concludes separately, which were adopted, and are as follows:

1st. That in case that the lands be granted for the aforesaid colony, the quantity thereof be expressed in square leagues, excepting such portions as by their locality and sufficiency of extent remain vacant, reserved for the proper uses of the government.

2d. That they shall be assigned, without injury to third persons, along the San Joaquin river, and in direction of the Tulares, to the southern extremity of the lagunas on the said Tulares, between these and the Sierra Nevada and along the Rio de las Animas and its meanderings to its mouth, on the side north of the Cajon de Musdysuela, situated near San Bernardino.

3d. That all citizens and families resident in the department, or others who may legally settle themselves with the right to be considered in the enjoyment of the privileges guarantied to the respective municipalities, may locate themselves in the settlements which may be established by the said colonists, upon the lands that may be designated, as the *ejidos* and *propios* for each settlement.

4th. That the colony shall not at any time, of its own will, transfer that portion of territory which may be granted to it to any foreign government, nor shall it be transferred to any other dominion, by mortgage or any other pretext, without the consent of the Mexican nation thereto, and after having previously notified the governor of the department thereof.

5th. That the delivery of the lands described to the colony of two thousand families, or ten thousand souls, whether in whole or in part, shall be in the proportion of the number of those who may present themselves, all the remaining shares being reserved in the second case for a proper term of years.

Until the emigration of all the persons promised in the bill of colonization.

6th. That the governor of the department, initiatory to the general congress, solicit the national executive the suspension of direct or indirect taxes upon the new colonists for a number of

years, as also the duties upon importations of farming and other necessary utensils introduced through the ports of San Francisco and San Pedro, Upper California, which may be pronounced necessary for the settlement of the said colonists.

7th. The petition of the *Empresario* being nominal for the indemnification of the expenses, the duties of maritime importation which may be paid at the port of San Francisco in consequence of that of Monterey being authorized for foreign commerce, he likewise solicits the initiatory governor that it may be granted in favor of the enterprise, and for each one thousand families the introduction of one hundred thousand dollars worth of goods destined for Upper California, free of all duty for one time only, but subject to the formalities of discharge and inspection adopted by the respective custom-house.

The honorable assembly also resolved, that a copy of the relative report be transmitted to his excellency, the governor, at the termination of his aforesaid consultation, and this act being read and approved forthwith, the session adjourned.

(Signed) F. FIGUEROA, *President.*
NARCISO BOTELLO,
Secretary pro tem.

Session of the 8th day of July, 1846.

The proceedings of the preceding session having been read and approved, the honorable president reported that he had already forwarded to the governor a copy of the report adopted at the extra session of yesterday relative to colonization, as it was resolved by this honorable assembly.

Next the report of the committee on vacant lands, formed upon the espediente of Don Miguel Pedromia, was read, and the tenor of which is as follows:

The grant made by the governor of the department to Don Miguel Pedromia of the place known as San Jacinto Macao, including the Potrero thereunto pertaining, to the extent designated on the diseño atttached to the espediente, acccording to title issued under date of the 14th of January of the present year.

Not to exceed the maximum assigned by law, in entire comformity with the law of the 18th of August, 1824, and the 5th article of the regulation of the 21st November, 1828, is approved.

Upon motion of the said committee the rules were suspended; and it was taken up for discussion and adopted, *by an absolute* by an absolute majority.

Likewise, two other reports from the said committee on vacant lands, formed upon the espedientes of the Messrs. Don Casario, Lutaillade, Don Diego Scott, and Don Juan Wilson, were read, and being of the same term as the foregoing.

After suspending the rules, they were taken up for discus-

cuscussion and approved by this honorable body. In consequence of the absence of his excellency the governor, whose prerogative it is to issue the respective titles of approval, it was resolved, that the secretary deliver certified copies to the interested parties, in order that they may present them to the governor for the aforesaid titles.

Señor Baudine represented that the gravity of his daily increasing diseases being now insupportable, he was compelled to place himself in care, as he intimated at the former ordinary session, and for which it was necessary that he should have the assistance of his family. That he therefore gave notice, although with regret, that he must retire from the body; taken under consideration.

Señor Arguello remarked that, in consequence of the separation of Señor Bandine, there was not a sufficient number of members present for the honorable assembly to continue its sessions, and gave notice that he was going to retire to the port of San Diego to attend to his labors until the meeting of the honorable body; which was laid before it.

There being no other business the session was adjourned.

(Signed,) PIO PICO, *President.*

(Signed,) AGUSTIN OLVERA, *Secretary pro tem.*

Extra session of the 24th day of July, 1846.

After the session was opened his excellency, the governor, read the documents relative to the invasion of the northern frontier of the department by the squadron from the United States of America, which is in the occupation of the port of Monterey; which documents, translated, contain an official communication directed to his excellency the governor, by Commodore Juan B. Sloat, under date of the 9th of July instant, requesting an interview with him at the place where he is stationed, stating that he accompanied therewith a copy of the proposition that he made the commandant general to surrender everything under his charge pertaining to his department, a proclamation to the inhabitants of the county, and the general order which he issued previous to disembarking his forces at Monterey to occupy that port.

The said copies were received and read. His excellency the governor, stimulated by his patriotic sentiments, urged those of the assembly to contribute to the common defence.

These melancholly events having been laid before the body, all of the members manifested their untarnished patriotism and their most grateful gratification by dedicating themselves to the employment of all the means within their power in defence of the holy cause, protesting that they would use their utmost endeavors for the advancement of so benevolent a purpose.

Thereupon, after the patriotic ferver manifested by each and al[1]

had subsided, it was resolved, in conclusion, that the inhabitants be invited to render unto the county the services which, as citizens, they are compelled to do.

Likewise that a regulation be formed for the organization of auxiliary corps, the documents having been referred to the committee on government.

And there being no other business the session adjourned.

(Signed,) PIO PICO, *President.*

(Signed,) AGUSTIN OLVERA, *Secretary pro tem.*

I, George Fisher, secretary to the United States Land Commissioners to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a document in case number 81, James R. Bolton *vs.* The United States, now on file in this office.

In testimony whereof, I have hereunto signed my name and office at the city of San Francisco, California, this 1st day of March, A. D. 1855.

GEORGE FISHER, *Secretary.*

Filed in office March 1, 1855.

GEORGE FISHER, *Secretary.*

Yo, el ciudadano José Antonio Galindo vesino de esta jurisdiccion ante los testigos presentes digo. Que cedo en el ciudadano Francisco de Haro vecino tambien de esta jurisdcn. todo el dro. de propiedad que por titulo espedido á mi favor pr. el Sor. Gefé politico del territorio D. José Castro en veinte y siete de Septiembre de mil ochocientos treinta y cinco me fue concedida del terreno de la Laguna de la Merced en estencion de una legua de latitud y media de longitud como espresa el articulo 4 condicional del citado titulo. Tpara que el espresado C. Francisco de Haro ocupe y cultiva y haja los que mas le convengan, de dho. terreno sin que nadie le perjudique en adelante le hago entrega del titulo dho.; para que en sio virtud lo posea quieta y pacificeimte. conforme á dio.

Otro si, la presente cesion espresa da que por tal este documento hago en el C. Franco de Haro es vendida al mi smoencien Reses hemtras y veinte y cinco pesos en efectos; y para que todo conste por no saber escribu lo luzi á mi Ruego el Cro. Blas Angelino, primando con los demas testigos en el puerto de Sr. Francisco á doce de mayo de mil ocho cientos treinta y siete este documento es hecho en papel comun por no haber del sellado correspondte.

A. RUEJO DEL OTORGANTE.
BLAS ANGELINO.

Como testigo:

BLAS ANGELINO.
CRESPIN SIBRIAN.

Ramona Sanchez, madre de Lucero, José, Antonio, Juan Bautista, y José Galindo, por el presente doy mi consentimiento á mi hijo José Antonio para que pueda vender el dro. de propiedad y titulo de consecion del terreno de la Laguna de la Merced que le fué conferido por el S. Gefé Politico D. José Castro y en nombre de los tres hermanos mas referidos arriba y por si cedo todo el dro. que en dho. terreno pueda tocarnos en la persona que lo compre y para que al comprador no se le ponga embarazo alguno al ocupar el terreno referido le otro que este papel para constancia y resguardo del interesado que formo á mi ruego, mi hijo, Eusibio Galindo. En el Pueblo de Dolores á diez de Marzo, de 1837.

EUSEBIO GALINDO.

I, George Fisher, secretary to the United States Land Commission to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true and correct copy of a document in case No. 102, Josefa de Haro *et al. vs.* The United States, now on file in this office.

In testimony whereof I have hereunto signed my name at office in the city of San Francisco, Cal., this 14th day of Febry., A. D. 1855.

GEORGE FISHER, *Secretary.*

Filed in office February 26, 1855.

GEORGE FISHER, *Secretary.*

Translation of deed from J. A. Galindo to F. de Haro. Ex. No. 102.

I, José Antonio Galindo, a citizen of this district, before the witness present, declare, that I grant to the citizen Francisco de Haro, of this jurisdiction also, the whole right of property that, by deed in my favor from the political chief of the territory, José Castro, on the 27th of September, 1835, was granted to me, of the land of La Merced lake, extending one league latitude, and one half longitude, as it is mentioned in the 4th constitutional chapter of the aforesaid deed; and to the end that the said Francisco de Haro may occupy, cultivate, and dispose, at his own free will, of the said land, without any body being able to prejudice him henceforward, I give him the same deed, so that by its authorization he may possess it quietly and peaceably according to law.

Besides the present grant, that by this document I make to the citizen Francisco de Haro, is sold to the same, for one hundred head of female cattle, and twenty-five dollars in goods; and that all may appear, not knowing how to write, at my request, the citizen Blas Angelino will sign it, with the other witnesses, in San Francisco, on the 12th day of May, 1837.

This document is made on common paper for want of stamped. At the request of the petitioner,

BLAS ANGELINO.

Witness: BLAS ANGELINO.

Witness: CRISPIN SIBRIAN.

+

Ramona Sanchez, mother of Eusebio José Antonio, Juan Bautista, and José Galindo: By these presents, I give my consent to my son, José Antonio, to sell the right of property and by grant of the land of La Merced lake, which was conveyed to him by the superior political chief, José Castro, and in the name of the other three brothers before called, I resign the whole right to the said land belonging to us in the person who buys it.

And so that no objection be opposed to the buyer in the investment of the said land, I give him these presents as a testimony and security of the buyer.

My son, Eusebio Galindo will sign it, at my request, in the town of Dolores, on the 10th day of May, 1837.

EUSEBIO GALINDO.

I, George Fisher, secretary of the United States land commission to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document in case No. 102, The Heirs of Francisco Haro *vs.* The United States, now on file in this office.

In testimony whereof, I have hereunto signed my name [L. S.] at office, in the city of San Francisco, California, this 13th day of February, A. D. 1855.

GEORGE FISHER, *Secretary.*

This paper may be filed, though I object against the introduction in evidence of the foregoing paper, because it is irrelevant and otherwise improper.

McKIME, *Law Agent.*

Filed in office February, 26, 1855.

GEORGE FISHER, *Secretary.*

Notice to occupants of lands formerly belonging to the Mission of Dolores.

The undersigned claims to be the owner of all the lands and houses formerly belonging to the Mission of Dolores, which have not been granted to other persons by the late Departmental Government of California, previous to the 10th day of February, A. D. 1846, with the exceptions mentioned in the annexed grants. He is now prepared to vindicate his title to the said lands, and will proceed to do so before the proper tribunals. He will not

respect any title to any portion of the lands mentioned in the annexed grants, except such as is deducible from grants made by the government previous to the said 10th day of February, A. D. 1846; at the same time he will be ready to make easy terms with any persons who may have entered upon any portion of said lands in good faith and under conveyances which they supposed were valid.

The said lands are now offered for sale or lease, in parcels to suit purchasers, and the terms will be made easy.

For information of all concerned, copies of the official acts and grants upon which the title of the undersigned is founded are hereto annexed. Any persons who are interested in the premises, and who wish to make any application to the undersigned respecting the same, are referred to Messrs. Dwinelle and Holt, of San Francisco, whom I have constituted my agents and attorneys in the premises.

Dated at San Francisco, October 8, 1850.

JAMES R. BOLTON.

Order appointing Don Prudencio Santillan administrador of the Mission of Dolores.

SECRETARIA DE GOBIENO DEL DEPARTMENTO, DE CALIFORNIO.

Con esta pecha digonal al administrador Mision de Dolores lo que á la lestro copio.

El Exmo Sor. Gobernador del Departmento, dispone que haga V. entrega formal de todas los pertenencias de la Mission de Doloros que estan á su cargo, al parroco presbiten D. Prudencio Santillan para que este administe las temporalidades de dicha mision.

Al decirlo á V. de orden de S. E. para su conocirniento en la parte que le toca le opesco las sejuridades de mis consideraciones.

Y lo trascribo á V. de orden del mismo exiño sor. gobernador para su intelligen cia y á fin de que se sorva recibir y administrar las fincas, brenes y tienas de la Mision de Dolores que en virtud de esta orden le seram á V. entregadas.

Dios y Libertad.

JOSÉ MA. CORVARRUBIAS.

CUIDAD DE LOS ANGELES, *Enero* 15, *de* 1846.

Soi presbiten D. PRUDENCIO SANTILLAN,
Parroco de Dolores.

Translation.

OFFICE OF THE SECRETARY OF THE GOVERNMENT OF THE DEPARTMENT OF CALIFORNIA.

Under this date I have given directions to the administrator of the Mission of Dolores, of which the following is a literal copy:

His Excellency the Governor of the Department directs you to make formal delivery of all the appurtenances of the Mission of Dolores which are in your charge to the parochial priest, Don Prudencio Santillan.

In communicating to you the order of his excellency for your guidance in that part which concerns you, I offer to you the assurances of my high consideration.

I transcribe for you the order of his said excellency, the governor, for your information, and to the end that you may make use of it to take into your possession and administer the houses, goods, and lands of the Mission of Dolores, which, by virtue of this order, will be delivered to you.

God and liberty.

JOSÉ MA. COVARRUBIAS.

CITY OF LOS ANGELES, *January* 15, 1850.

To the Priest, Don PRUDENCIO SANTILLAN,
Curate of Dolores.

2.—*Certificate.*

I hereby certify, in due form, that the signature of José Ma. Covarrubias, which appears in the official communication issued from the office of the secretary of the governor of California, dated 15th January, 1846, and directed to the presbyter Don Prudencio Santillan, Mission of Dolores, in order that he should receive and administer the buildings, goods, and lands of the Mission of Dolores, in my handwriting.

In testimony thereof, I give this certificate at the request of said Don Prudencio Santillan, in San José, 12th March, 1850.

JOSÉ MA. COVARRUBIAS.

Note.—Mr. Covarrubias is a member of the present legislature, and is well known to our principal citizens.

Grant of the Mission, houses, and lands to Don Prudencio de Santillan from Governor Pico.

Pio Pico, primer vocal de la Asemblea del Departamente de las Californias y enlargo por el ministerio de la Ley del Gobierno del mismo.

Por cuanto el presbitero Don Prudencio Santillan ha pretendido para su beneffcio personal todos los terienos baldios que se reconocen como pertenecientes à la Mision de Dolores asi como todas las casas de las Remcherises de la misma Mision que se hallan en Estado de abandono ; en uso de las facultades que me son conferidas à nombre de la Nacion Mexicana, he venido en conceder como por las presentes letras concedo al espresado presbiten Don

Prudencio Santillan la propiedad de todas las casas de las ranche ucis que se hem reconocido y se conocen como de la pertenencia de la Mision de Dolores, y de todos las tienas baldias que se hem reconocido y se reconocen como pertenecientes á la misma Mision de Dolores bajo las condiciones sijruentes :

1ª. El agraciado disputara libre y esclusivamente de las casas y de las tienas que sele conceden pero pagara como en recompen sa al esta concesion que se le hace todas las deudas que hasta ahora aparezcem contra la Mission de Dolores.

2ª. Solicitara del juez respectivo la posecion juridica en virtud de este despacho de las casas y tienas que se le conceden pudiendo mientas servirle como legal la que tiene de dichas fincas y tienas como encargado que es por el respectivo prelado de las Missiones del Colejio de Nuestra Señora de Guadalupe en Zacatecas de las temporalodades de dicha Mision de Dolores.

3ª. El terreno de que se hace donacion es de tres sitios de ganado mayor maso memos el prezane diere la posescion lo hara medri y fijara los lindero con las mojoneras acostumbradas, en la intelligencia que dicho teneno colinda al norte con Yerba Buena al norweste con el presidio de San Francisco al Oeste contrenais de Don Francisco Haro al sur con parte del Rancho de los Sanchez, y al este con la batria de sem Francisco.

4ª. El agraciado y en su defecto susherederos y susesores respectaran las propiedades que algunos individuos obtrenen con gustos titulos temto de tienas como de Casas de Romchensis en la comprehension de lo pertenenciente à la Mision de Dolores y que por este titulo se concede.

5ª. En la presente concesion se esceptuan espresamente la Casa Cural, y la Iglesia de Dolores, como pertenecientes à la mitra de este Obispado.

En consecuencia mando teniendo el presente titulo por forme y valedero setome razon de el en el libo respec ivo, y se entregue al interesado para su resquardo do y demas finess. Dado en la Cuidad de los Angelos, capital de Californias, en este papel comun por falte de sellado, á los diez dias del me sue Fochero demil Ocho cientos cuarentay sies.

FIRMADO,
PIO PICO.

Queda tomado Razon de Este titulo en el liho respectivo. Angeles ftra ut supra.

FIRMADO,
CEVANUBIAS.

Translation.

Pio Pico, first member of the Assembly of the Department of the Californias and charged with the administration of the law in the same :

Whereas, the presbyter, Don Prudencio Santillan, has petitioned for a grant, for his own benefit, of all the common lands known as belonging to the Mission of Dolores, as well as of the houses of the villages of the said mission which are in a state of abandonment: By virtue of the authority in me vested, in the name of the Mexican nation, I have granted, and by these presents do grant, to the said presbyter, Don Prudencio Santillan, all the houses of the villages which are known as belonging to the Mission of Dolores, and all the common lands which have been known, and which are known, as belonging to that said Mission of Dolores, on the following conditions:

First. The said grantee shall use and enjoy freely and exclusively the houses and lands which are hereby granted, but shall, in consideration of this grant, pay all the debts of the Mission of Dolores which appear up to this time.

Secondly. He shall ask from the proper judge judicial possession, by virtue of these presents, of the houses and lands which are hereby granted to him, but meanwhile may use, as a legal possession, that which he has already of said houses and lands, in the capacity of procurator of the temporalities of the said Mission of Dolores, for the prelate of the Missions of the College of our Lady of Guadalupe, in Zacatecas.

Thirdly. The land hereby granted consists of three customary allotments for neat cattle, (tres sitios de ganado mayor,) more or less; the judge who gives him possession shall have it measured and fix the customary landmarks, with the understanding that said lands are bounded on the north by Yerba Buena, on the northwest by the presidio of San Francisco, on the west by lands of Don Francisco Haro, on the south by part of the Rancho of the Sanchez, and on the east by the Bay of San Francisco.

Fourthly. The said grantee, his heirs and assigns, will respect the property which some persons have acquired under good titles both to lands and to village houses within the limits of the Mission of Dolores, and which are hereby confirmed.

Fifthly. From this grant are expressly excepted the house of the curate of the Church of Dolores, as belonging to the bishopric of this diocese.

Wherefore, holding this present grant to be good and valid, I order it to be recorded in the proper book of records, and to be delivered to the interested party for his security, and for other purposes.

Given at the city of Los Angeles on common paper, there being no stamped paper, on the 10th day of February, 1846.

(Signed) PIO PICO.
Attest: JOSÉ MA. COVARRUBIAS,
Secretary.

Recorded in the proper book, at Angeles, on the same day.
Attest: COVARRUBIAS.

Certificate.

I hereby certify, in due form, that the signature of José Maria Covarrubias, secretary, which appears in the title deed given by the government of California the 10th day of February, 1846, by which was conceded to the presbyter, Don Prudencio Santillan, the property of all the houses and waste lands of the Mission of Dolores, is my handwriting, and that of the secretary of said government, which station I then held.

In testimony whereof, I give this certificate, at the solicitation of said Don Prudencio Santillan, in San José, 12th March, 1850.

JOSÉ MA. COVARRUBIAS.

The original of the following grant may be found recorded in the office of the county recorder of the county of San Francisco, in Book of Deeds, at pages 170 and 171; and for this reason it is not thought necessary to insert it here. It can also be inspected, if desired, at the office of Messrs. Dwinelle & Holt.

Translation.

In the city of San Francisco, in the Territory of Upper California, on the 11th day of April, in the year of our Lord one thousand eight hundred and fifty, José Prudencio Santillan, parochial curate and minister of the said city, and of the Mission of Dolores, and Manuel Antonio Rodriguez de Poli, as his general agent, presented themselves before me, the undersigned, public notary in the said city, and stated that they sold and granted, in real and perpetual sale, from that time, thenceforth, and forever, to Mr. James R. Bolton, of the aforementioned city of San Francisco, all the buildings, grounds, and other property owned by them in the district of the aforesaid Mission, composed of all the houses of the rancherias in the Mission which were unoccupied on the 10th day of February, one thousand eight hundred and forty-six, and of the grounds which were not in cultivation on the same day, in the aforesaid district of, comprising about three customary allotments for neat cattle, (tres sitios de ganado mayor,) and which are bounded on the north by Yerba Buena, on the northwest by the presidio of San Francisco, on the west by lands belonging to the heirs of Francisco Haro, on the south by part of the rancho belonging to the Sanchez, and on the east by the bay; the buildings and lands of which were granted to the said Prudencio Santillan, by the government of the Californias, on the aforesaid 10th day of February, in the year one thousand eight hundred and forty-six, as fully evidenced by the original document, which they now deliver. Further, they hereby sell, on the same terms, to the said James R. Bolton, the house and lands acquired from Mr. R. Ridley, which are situated in the centre of the afore-

said mission and specified in the original documents of acquisition which they likewise deliver to the purchaser, to whom they grant all the privileges of right and interest which they possess.

In consideration of the price and sum of two hundred thousand dollars, in silver coin, which the said José Prudencia Santillan and his general agent confess to have received, and that, though it does not so appear at the present time, they renounce the law of the case giving a final receipt therefor, in form declaring it to be the just price, that if the value be more they make a remission and donation of it to him, which the law calls interrivos; and they likewise renounce the laws which treat of cesion enorme, enormisima, desiring that all they sell to him may be for him, his heirs and successors, enjoying it freely and peaceably, taking lawful possession thereof whenever he may think well and proper so to do, for which purpose they acknowledge themselves summoned and cited in due form.

From this sale is excepted the entire square of houses, the church, and the ground which may be necessary to form a complete square, beginning on the north with the land of Francisco Rufino, and following thence to the corner of cemetery, and thence in equal extent to the west, which, henceforth and forever, will be appropriated to the maintenance of the faith, parish, and minister of the Holy Roman and apostolic church. Likewise, from this sale is excepted two lots, each occupying a square of two hundred varas, bounded on the west by the square of the church and house of the mission; another lot occupying a square of four hundred varas, situated to the south of the rivulet at the south of the mission, where the creek terminates; another lot comprising fifteen thousand four hundred and twelve square varas, situated on the road from the mission to the presidio of San Francisco, where Mr. Goux and his partners are established; and another lot of a square of four hundred varas, situated in the valley of the Canutal, bordering on the east upon the highway.

In testimony whereof they thus consent and stipulate; the witnesses whereof are Juan Gutierrez and Mariano Rodriguez Palmer. All which I certify, dated as first aforesaid.

JOSÉ PRUDENCIO SANTILLAN.

Dr. MANUEL A. RODRIGUEZ DE POLI,
MARIANO R. PALMER,
JUAN R. GUTIERREZ.

HOPEFUL TOLER, *Notary Public.*

Heydenfelt, Dwinelle & Holt, attorneys-at-law, office in Well's brick block, corner of Clay and Montgomery streets, entrance on Clay street, San Francisco, California.

Filed in office November 14, 1854.

GEORGE FISHER, *Secretary.*

Decree of Confirmation in case No. 97, annexed to the deposition of Aaron Van Dorn, C, P L.

BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

In the matter of the claim of José de la Cruz Sanchez and others, heirs of José Sanchez, deceased, to a tract of land of four square leagues, known as Buri Buri, and is situated in the county of San Francisco, in the State of California, being case number 97 on the docket of said Board.

Decree of Confirmation.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim is valid; and it is hereby decreed that the same be confirmed to the said José de la Cruz Sanchez, Francisco Sanchez, Manuel Sanchez, José Isidro Sanchez, Harid Sanchez, Isidro Sanchez, and to the other heirs and legal representatives of the said José Sanchez, deceased, as tenants in common in such shares and proportions as they are respectively entitled to under the laws of California for the distribution of decedent's estates, the land of which confirmation is made is known by the name of Buri Buri, and is situated in the present county of San Francisco, being the same now held and occupied by the heirs and legal representatives of the said José Sanchez, deceased, and is bounded as follows: Beginning at the base of the hill of San Bruno, and at the point (Rincon) of the same name, and the extremity of the estuary which is there and looks to the south, and running thence in a westerly direction along the side of the said hill, and intersecting what was the public road in 1835, at the head of a small valley which falls into another between the small lake called San Bruno and the spot where formerly stood the Corral de Medara, also called De San Bruno, continuing in the same direction, passing the southern point of the Laguna Alta, which is upon the low range of hills and the end of a ravine or gully which is in a cañada near the coast of San Pedro to the road up the same, 200 cudels of 50 varas each, or 10,000 varas; thence running southerly along the low range of hills passing the Vallicitos at the foot of the first bare hill lying to the west and the mouth of the Cañada called San Andres, to an elevated rock in the low range of hills to the east, and opposite an ash tree standing alone at the foot and edge of the wood on the wooded range of hills of the west, 300 cudels of 50 varas each, (15,000 varas;) thence running east passing over said low range of hills and a gully running in the same direction, reaching the Salinas at the southern edge of a grove of willows and passing the border of a pond at the foot of a small hill adjacent to the

public road, 96 cudels of 50 varas each, (4,800 varas;) thence northwardly along the shore of the bay and bordering thereon to the point of the hill of San Bruno where the survey commenced, containing four square leagues; reference for a more particular description to be had to the original grant and record of judicial possession filed in this case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the private land claims in the State of California, do hereby certify that the foregoing is a true and correct copy of the decree of confirmation in case number 97, now on file in this office, and in my care and custody as such Secretary.

Given under my hand this 30th day of September, A. D. 1854.

GEORGE FISHER, *Secretary.*

Filed in office November 28, 1854.

GEORGE FISHER, *Secretary.*

Power of attorney—Santillan to O'Connor et al., A, PL—Exhibit to deposition of M. T. O'Connor.

DISTRICT OF SAN FRANCISCO, UPPER CALIFORNIA,
September 12, 1849.

Know all men by these presents, that I, José Prudencio Santillan, pastor of the mission of San Francisco, or Dolores, have made, constituted, authorized, and nominated, and by these presents do make, constitute, authorize, and nominate, M. Thomas O'Connor, attorney and counsellor at law, and T. Salmon, merchant, of San Francisco, as my attorneys at law and in equity; that I hereby authorize them to enter into possession, for the uses and benefits of the mission above named, and of which I am pastor, of all lands, hereditaments, and tenements that I have now the right to enter into, possess, and enjoy, and the same dispose of by lease for the benefits and objects of said mission, with all the powers that I myself possess by virtue of my pastoral care and tutorship in my own right and the rights of others represented by me.

And also for me and in my name to grant, bargain, and dispose of by lease, for such sum or sums of money to such person or persons as they may deem fit, all such property, lands, messages, hereditaments, and tenements as are now unoccupied on said mission, or that are occupied without leave or license from me, and such disposition make thereof as will best secure the rights and interest vested in me and those whom I represent, and

also in my name to ask, demand, and recover and *and* secure the sum or sums of money now due or owing for occupancy and use of the land, houses, tenements, and heraditaments belonging to the parties represented by me, or belonging to me by virtue of my office, and to sue, recover, and contest all claims made upon said mission, or that are due the same, with all and severally the powers vested in me, and to execute in my name all acts, deeds, leases, and releases, and to have, use, and take all lawful ways and means for the recovery and protection of all property vested in me by attachment, arrest, distress, or otherwise, and to compound, arbitrate, and agree for the same, and acquittances or other sufficient discharges for the same for me, and in my name to make, seal, and deliver, and generally to do, execute, and perform everything that may be necessary in and about the premises, as fully in every respect as I myself could do were I personally present.

And I hereby ratify all and several the acts of my said attorneys, in all particulars, which they may do, agree upon, confirm, or contest in the premises aforesaid.

In witness whereof, I have this day set my hand and seal to these presents.

JOSÉ PRUDENCIO SANTILLAN, [SEAL.]

SAN FRANCISCO, CALIFORNIA,
September 12, 1849.

Personally appeared before me José Prudencia Santillan, and acknowledged that the above power of attorney is his act and deed, and executed for the purposes therein set forth.

JOHN W. GEARY,
First Alcalde, District of San Francisco.

Recorded this 12th day of September, A. D. 1849, at 11 a. m.
HENRY REED, *Register.*

COUNTY OF SAN FRANCISCO,
COUNTY RECORDER'S OFFICE.

I hereby certify that the foregoing is a full, true, and correct copy of record deposited and remaining in this office, as will appear by reference to lib. B B of miscellaneous records, page 74.

Witness my hand and official seal, this 27th day of October, A. D. 1854.
[SEAL.]

JAMES GRANT,
County Recorder.

Filed in office March 8, 1855.

GEORGE FISHER,
Secretary.

A, PL.—Exhibit to Deposition of F. P. Tracy.

STATE OF CALIFORNIA, DISTRICT OF SAN FRANCISCO,
Wednesday, April 3, 1850.

In the matter of Charles Brown against M. T. O'Connor, now pending in the court of the first instance of said district, whereof William B. Almored is judge, before me, F. P. Tracy, one of the commissioners of said court, personally came and appeared José Prudencio Santillan, being produced as a witness in said case by counsel for claimant, and was objected to by defendant as a witness in said case, on the ground that he is the true defendant, and liable for damages in case of failure of defendant, the defendant being the lessee of said witness; which objection being overruled, and the said Santillan being duly sworn, made the following answers to the questions hereinafter stated, to wit:

In 1st. Where do you reside?

Answer. In the Mission of San Francisco, and establishment of the Mission of Dolores.

In 2d. How long have you been a resident of the Mission Dolores?

Answer. I do not know how long; sometimes I am here, and sometimes I am away. The fixed time that I have been here is since 1846.

In 3d. Are you acquainted with the plaintiff and defendant in this suit?

Answer. I have leased to persons by the name of Salmon and O'Connor this land, and I was not then aware that there was any other title to the land.

In 4th. Are you acquainted with Messrs. Brown and O'Connor, the parties in this suit?

Answer. Yes, I know them.

In 5th. Do you know the fifty vara lot now occupied by Mr. O'Connor, and in question between the parties?

Answer. All I know of it is that Mr. Brown has told me that it belonged to him.

In 6th. At what time did Mr. O'Connor take possession of this land?

Answer. In the month of September. In the same month or the month following, I am not certain which, I was informed that the land belonged to Mr. Brown.

Objected to by counsel for defendant, unless he was informed by defendant. At this period counsel for defendant objects to witness stating anything that he does not know of his own knowledge, and particularly to anything that he may have heard from the plaintiff in this suit.

In 7th. Have you at any time held a conversation with Mr O'Connor in regard to this land?

Answer. Yes, I have.

In 8th. At what time was this?

Answer. I do not recollect.

In 9th. On or about what time was it?

Answer. I cannot recollect.

In 10th. Can you recollect in what month this conversation was?

Answer. I cannot verify now, because I do not recollect.

In 11th. What was the subject matter of the conversation?

Answer. When the reclamation was made by Mr. Brown I told Mr. O'Connor that I could not let him have the land in that place, but that he might enter it somewhere else. This is all I know about it.

In 12th. At the time you had this conversation with Mr. O'Connor what improvements, if any, had Mr. O'Connor made on the premises?

Answer. He had not made any.

Counsel for defendant here objected to anything which the witness told Mr. O'Connor.

Question 13. Did you at any time send a letter to Mr. O'Connor in regard to this land?

Objected to by counsel for defendant on the ground that whatever the witness may have done has nothing to do with the controversy between the parties.

Counsel for defendant here insisted that any questions put by counsel for plaintiff, as well as the answers thereto, that are not pertinent to the matters in issue between the parties, and which the court shall decide are so, shall be at the expense of the plaintiff.

Answer to 13th. I believe yes.

Question 14. Have you a copy of that letter.

Answer. It ought to be in the hands of my attorney.

Question 15. Can you produce that copy?

Answer. I do not know whether he can produce it or not.

Question 16. Do you know at what time you sent this letter to Mr. O'Connor?

Answer. I do not recollect.

Question 17. Did you send the letter to Mr. O'Connor before he had made any improvement on the land.

Answer. Yes.

Question objected to by defendant's counsel as leading, and the question and answer as irrelevant.

Question 18. At whose request was this letter sent?

Answer. After Charles Brown stated that he had a right to the land I sent the letter.

Question 19. At the time when you told Mr. O'Connor that the land belonged to Charles Brown what was his reply?

Answer. The reply was that he was responsible for any result.

Question 20. To whom did you refer by the word "he" in your last answer?

Answer. Mr. O'Connor.

Question 21. How many letters did you ever send to Mr. O'Connor in regard to this land?

Objected to by counsel for defendant as irrelevant.

Answer. I do not recollect any more.

Cross-examination by defendant's counsel.

Question 1. Can you speak English?

Answer. No.

Question 2. Can Mr. O'Connor to your knowledge speak Spanish?

Answer. I do not know.

Question 3. Have you ever had any conversations with Mr. O'Connor in which he replied to you in Spanish.

Answer. He has never replied to me in Spanish.

Question 4. Have you ever had any conversation with Mr. O'Connor in Spanish?

Answer. I have never had any conversation with him in Spanish because he does not understand the language.

Question 5. In the conversations with Mr. O'Connor, in what manner were these conversations carried on?

Answer. Mr. O'Connor knows.

Question 6. According to your own knowledge how was the conversation carried on?

Answer. I do not recollect who interpreted.

Interrogatory 7th. Do you know J. B. A. Brouillet, a padre.

Answer. He passed here, and that time I knew him.

Interrogatory 8th. What do you mean by his passing here?

Answer. As having passed.

Interrogatory 9th. How long was he here?

Answer. I do not know.

Interrogatory 10th. Was he here a year?

Answer. I do not know.

Interrogatory 11th. Do you wish to say that you do not know whether he was here a year or not?

Answer. Whether it was more or less I do not know.

Interrogatory 12th. Could Mr. Brouillet speak English?

Answer. Accordiug to what has been stated he spoke a little, but not perfectly.

Interrogatory 13th. Was not he then the person who interpreted between you and Mr. O'Conner in the conversation to which you allude?

Answer. He was the interpreter only in the celebration of the contract.

Interrogatory 14th. Where is Mr. Brouillet now?

Answer. I do not know where he is.

Interrogatory 15th. Is he out of the Territory?

Answer. Yes.

Objected to by counsel for plaintiff as leading.

Defendant's counsel withdraws the question.

Interrogatory 16th. Where did Mr. Brouillet go when he left the Territory.

Answer. I did not see.

Interrogatory 17th. Did you state that he was one of the padres or Catholic priests?

Answer. I do not understand the question.

Interrogatory 18th. Is Mr. Brouillet a Catholic priest?

Answer. Yes.

Interrogatory 19th. Who are the Catholic priests appointed to officiate at this time in the district of San Francisco diocess?

Answer. The governor of the mitre knows.

Interrogatory 20th. On your oath I ask you do you not know?

Answer. Under my oath I do not wish to give notifications.

Interrogatory 21st. Is it a matter of religious obligation on your part not to disclose this matter which you have, that you do not wish to give notifications of?

Counsel for the plaintiff here objected to this question and the whole of this part of the testimony as irrelevant.

Answer. I do not understand the question.

The same question was repeated.

Answer 2d. It is the same matter of religion as if I were asked where Peter or John had gone.

Interrogatory 22d. Do you or do you not know whether J. B. A. Brouillet is in this Territory?

Answer. I do not know whether he is here now or not.

Interrogatory 23d. Where did you see him the last time?

Answer. I do not know where I saw him the last time; my memory is very frail.

Interrogatory 24th. Was Mr. Brouillet in good health when you last saw him, and where was he?

Answer. I have never studied medicine, and cannot say.

Interrogatory 25th. Was he apparently in good health when you saw him last?

Answer. I have not the gift of divining.

Interrogatory 26th. Are not all the Catholic priests who are in good health obliged to officiate in some particular district.

Counsel for plaintiff again objected to this testimony as irrelevant.

Answer. I do not know how to respond to this question.

Interrogatory 27th. Why do you not know how to answer?

Answer. I do not please to give reasons.

Interrogatory 28th. Does the answer to the question in any way conflict with your religious obligations, and are you not

aware that as a good citizen you are bound to answer this question?

Answer. I have already answered the question.

Interrogatory 29th. Is this your signature to exhibit A?

Answer. It is my signature, and I wish the paper to be read to me, if convenient.

Interrogatory 30th. Was the conversation carried on between you and Mr. O'Conner carried on through an interpreter?

Answer. Yes, by interpreter.

Interrogatory 31st. Do you understand the English language sufficiently to know whether these interpreters correctly interpreted your language with the English language?

Answer. I believe that they interpreted well, but I do not know enough of the English language to say.

Interrogatory 32d. In what language was the letter to O'Conner written?

Answer. In the English language.

Interrogatory 33d. Who wrote it?

Answer. I do not remember.

Interrogatory 34th. Who asked you to sign it?

Answer. Mr. Ridley.

Interrogatory 35th. Was Mr. Brown present?

Answer. I do not remember.

Interrogatory 36th. Was any other person but Mr. Ridley present?

Answer. I only recollect that Mr. Ridley was present; I do not remember any other.

Interrogatory 37th. Where did you sign the letter?

Answer. In the Mission.

Interrogatory 38th. Was it on one of the hills?

Answer. I am not accustomed to sign on hills.

Interrogatory 39th. Was it in a house?

Answer. Yes.

Interrogatory 40th. In what house was it? and by answering this question you will answer my first question, as to where it was signed.

Answer. In my habitation.

Interrogatory 41st. Was the letter sealed?

Answer. Before I signed it, it was not sealed, but afterwards I closed it.

Interrogatory 42d. Was the letter sealed?

Answer. I do not recollect whether it was or not.

Interrogatory 43d. Can you swear of your own knowledge that the letter was ever delivered to Mr. O'Conner?

Answer. I do not recollect who delivered it, but it was truly delivered.

Interrogatory 44th. How do you know that it was delivered?

Answer. Because Mr. O'Conner told me himself that it was delivered.

Question 45. Through what interpreter did Mr. O'Conner tell you this?

Answer. I do not recollect who was interpreter; whether it was Mr. Ridley or Mich. Foley.

Question 46. In what capacity did you lease the land to Salmon and O'Conner?

Answer. According to my own rights as curator of this Mission, José Prudencio Santillan.

Question 47. When that letter of which you have spoken was written to Mr. O'Conner, was Mr. O'Conner your agent and attorney?

Answer. Yes.

Question 48. Did you offer to Mr. Brown any other piece of land in case he would not push his claim on this land?

Objected to by counsel for plaintiff, on the ground that the witness is not obliged to criminate himself.

Answer. I do not recollect.

Question 49. Had you any conversation with Mr. Brown in relation to this claim?

Answer. The same conversation that I spoke of before.

Question 50. Did you not tell Mr. Brown that he might have a 200 vara lot in some other part of the Mission if he would relinquish his claim to this?

Answer. I do not know.

I do certify that the foregoing is a true statement of the testimony given by José Prudencio Santillan, as aforesaid, on the 3d day of April, 1850; that the examination was closed at a late hour of the night, that is to say, between 12 and 1 o'clock at night; that on account of many erasures and interlineations, the first page of the deposition requires to be re-written; and that said Santillan being sick, and allowed to depart, and the signing of the testimony was deferred to the next morning.

And that the next morning, at an early hour, said Santillan left the Mission of Dolores, since which time I have not seen him, though I have used all diligence to do so, and, consequently, I have not obtained his signature to this deposition.

(Signed) F. P. TRACY,
Commissioner of the Court of First Instance.

San Francisco, *May* 29, 1850.

Fees of commissioner $15.

F. P. TRACY.

Filed in office December 19, 1854.

GEORGE FISHER,
Secretary.

C, P L.—Exhibit to deposition of M. T. O'Connor.

This indenture, made the 6th day of March, in the year of our Lord one thousand eight hundred and fifty-five, between ——— ——— and Maria O'Connor, wife of M. T. O'Connor, of the city of San Francisco, and doing business in her own name as a sole trader, under the laws of this State, as the party of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of two dollars, lawful money, to them in hand paid, and the desire to quiet the title of the party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, has remised, released, and quit claimed, and by these presents doth remise, release, and quit claim unto the said party of the second part, and to her heirs and assigns forever, all that certain lot, piece, or parcel of land being and situate at the Mission Dolores, and known and described as Block No. 39 on the official map of the city of San Francisco, and bounded by the west side of Valencia street, north line of Corbit street, south side of Corbit street, and east side of Guerrero street, being the same land now occupied by the party of the second part under tax sale and other deeds; and also the lot of land commencing at a piece of land now occupied by Mr. Hoff, on the south side of Centre street, and running west along said Centre street fifty varas; thence along the line of fence of the Foundry saloon to Corbit street; thence east fifty varas to the fence on the lot occupied by said Hoff; and then north along said fence to the place of beginning, being also land occupied by the said party of the second part under tax sale titles and others, and bounded by Corbit street on the south and Centre street on the north. This conveyance is made to quiet the title of the party of the second part, on behalf of the owners of the claim known as the Bolton and Barron grant, derived from José Prudencio Santillan, and is intended merely as a bar to any claim hereafter to be made by the parties of the first part of, in, or to the said premises, without guarantee that the said land, or any part thereof, is part or parcel of the land described in, or conveyed to, said José Prudencio Santillan, and by him to said Bolton and Barron, and by them to the parties to these presents, but granting, selling, and conveying reservation or incorporation, all interest, claim, or demand of the parties of the first part to the party of the second part, as fully in every respect as if the consideration had been two thousand dollars: Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as

well in law as in equity, of the said parties of the first part, of, in, or to the above described premises, and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, — and —— assigns forever. In witness whereof the said part of the first part have hereunto set ——— hand and seal, the day and year first above written. Signed, sealed, and delivered in the presence of.

STATE OF CALIFORNIA, } *ss.*
County of }

On this —— day of ———, A. D. one thousand eight hundred and fifty ——, before me, a notary public in and for said county, personally appeared ——— ———, known to me to be the person described in, and who executed, the foregoing conveyance, and acknowledged that ——— ——— executed the same freely and voluntarily for the uses and purposes herein mentioned. In witness whereof, &c., &c., &c.

Filed in office March 8, 1855.

GEORGE FISHER, *Secretary.*

A P L.—Exhibit to deposition of C. V. Stewart, March 6, 1855.

DISTRICT OF SAN FRANCISCO, }
Upper California. }

MISSION DOLORES, OR SAN FRANCISCO COUNTY,
September 12, 1849.

Know all men by these presents, that, by virtue of the powers vested in me by law, I hereby grant, by lease, to Messrs. Michael T. O'Connor and Francis Salmon, of the city of San Francisco, the certain lot or parcel of land, being part of the lands of the Mission Dolores, formerly rented by Mr. Liedisdorff, and by this deed delivered into the possession of Messrs. M. T. O'Connor and Francis Salmon for and in consideration of the sum of one hundred dollars yearly rent to be paid to me or my successor as pastor of said Mission Dolores. The said parties to have and to hold the said premises for the term of four years from the date hereof, and then, having fully performed their contract by payment of the rent aforesaid, to have a further term of two years by virtue of a new lease; and, at the expiration of said term of two years, the said premises are to be valued and a rent fixed by the valuators, at

which rent the said M. T. O'Connor and F. Salmon continue, i they desire it, or either of them, a further lease of said premises at the sum set forth by the valuators.

Should said parties not agree to retain further possession at the rent set forth by said valuators, then the buildings of the said parties shall be valued, and, on payment of the valuation, shall, together with the lot or parcel of land aforesaid, revert to the care and custody of the pastor of the said Mission Dolores.

But should the pastor of said Mission not wish to accept the buildings at the valuation, then said M. T. O'Connor and F. Salmon may remove the said buildings. The said lot or parcel of land is now fenced on two sides by willow trees, and is in extent two hundred yards square. This letter of lease is to take effect from the sealing and delivery hereof, and the rent above specified is to be paid quarterly in advance; and the said parties agree to pay the same and retain their possession of the same for the terms and under the conditions set forth in this case, which I now make them in presence of the witnesses, who subscribe the same.

Given under my hand and seal, this 12th day of September, A. D. one thousand eight hundred and forty-nine.

JOSÉ PRUDENCIO SANTILLAN. [SEAL.]

Witness—
J. B. A. BROUILLET.
JOSEPH F. SMITH.

Filed in office March 6, 1855.

GEORGE FISHER, *Secretary.*

Y PL.—Exhibit to deposition of F. P. Tracy.

MISSION DOLORES, *March* 6, 1850.

In the year 1846, on the 10th day of February, Pio Pico, then first member of the assembly and governor of the Californias, in pursuance of a law of the Mexican congress, which was re-enacted from the laws of Spain, did grant to José Prudencio Santillan all the uncultivated lands, and all the unoccupied houses, appertaining to the Mission. The consideration of this grant was the payment of the then existing debts of the said Mission. This grant was made and is recorded in the city of Los Angeles.

It was written by the hand of Señor Covarrubias, then secretary of the governor, and now member of the legislature for this State. In the month of January of the year 1846, an order of the government was issued to the administrator of the above Mission to put José Prudencio Santillan in possession of the temporalities appertaining to said Mission, which was done.

The grant, being made one month after, recognizes and refers

to this order of government, which is also signed by Señor Covarrubias, and provides that the possession under the order were for the purposes of the grant. Being advised that his title is perfect, and that the laws which the conquest has introduced secure private property and protect the weak, the grantee of the above deed, relying upon the authorities constituted by law, and upon the respect of the American people for justice and order, will prosecute and maintain his claim.

Those persons, therefore, who have taken possession of lands covered by this claim, without color of titles, as well as those who claim under a grant from the justice of the peace for the said Mission, are warned that the claim will be enforced, particularly as the said justice of the peac was fully aware of the existence of the older and valid grant when he made his own pretended conveyances.

JOSÉ PRUDENCIO SANTILLAN.

Filed in office December 19, 1854.

GEORGE FISHER, *Secretary.*

Field notes, D P L.—Exhibit annexed to deposition of A. Van Dorn.

THE MISSION DOLORES LANDS,
County of San Francisco, California.

We, the undersigned, having been appointed by A. Van Dorn, deputy surveyor, chainmen to assist him in the survey of the Mission Dolores lands, do solemnly swear that we will level the chain and plumb the tally-pins in measuring our mission ground, report the true distance to all notable objects, and the true length of all the lines we may measure, and construct all the corner monuments as we may be required to construct them, and otherwise discharge our duties as chainmen without fear, favor, or affection, and to the best of our skill and ability: so help us God.

RICHARD THOMAS
WILLIAM WILSON.

Sworn to and subscribed before me, at San Francisco, California, this 23d day of September, 1854.

A. VAN DORN,
Deputy Surveyor.

Mission Dolores lands, granted to Santillan by Pio Pico. The pueblo line, September 23, 1854.

Variation of the needle, 15° 30″ east; chain adjusted to the standard in the office of the United States surveyor general. Beginning at high-water mark on the southernmost projection of Rincon Point, which point is now distinguished as Steamboat Point; set a flag and took the bearing to the highest peak of the Devisadero, an isolated conical hill, forming a marked feature in the landscape to the west N. 87°. It crossed Mission bay to a point in line; set post on the salt marsh at the margin of the bay and call it station number 1, (post set N. 87 west, 50 chains from the true corner.) The distance from this post to the flag on point is 22.86 chains, obtained as follows:

The Mission Dolores lands. The Pueblo line, September 23, 1854.

Variation of the needle 15° 30″ east, chain adjusted to the standard in the office of the United States surveyor general.

Beginning at high water-mark on the most southern projection of Rincon Point, that is the point now known as Steamboat Point; set a flag and obtained the course to the Devisadero north, 76° west, (this course obtained trigonometrically, and consequently the objects along the line cannot be given.)

Go to the north of the Estero, which flows into Mission bay 250 chains north of this line, and set stake, (called station No. 1,) thence up said Estero north 67½ west 550 chains south, 45 west 400 chains to line running north 76 west from Steamboat Point.

(See map.)

The distance from this point of intersection to flag on Steamboat Point is 29.30 chs., and the distance between the latter point to the Devisadero is 275.00 chs., N. 76° W. 245.70 chs. from the Estero to the Devisadero.

From Devisadero to Point Lobos, S. 89° 35 W. 200.00 chains. This distance also was obtained by triangulation, the ten points are, however, plainly in view of one another; the flag-staff on the Presidio bears N. 19° W., about 35 chains from the Devisadero, and Lone mountain bears S. 10° 06, E. 53.50 chs.; the Devisadero

is an open platform of land overlooking the Presidio and the surrounding country, and said to be a sentry post.

The annexed diagram represents what portion of the heads is really Point Lobos.

[For diagram, see page 601 of the original.]

Traverse of the sea shore from Point Lobos to the De Haro grant.

The traverse around the heads was obtained by the following triangulations.—(See annexed diagram.)

Go forward to a point No. 2, which bears S. 57° west from Point Lobos, (No. 1,) and from which a rocky point number 3 bears N. 80¼ W. from No. 2; measure S. 57° W. 900 chains to No. 4, whence No. 3 bears N. 48° W., and to a rocky point No. 5 bears S. 70 W. Then go down to station No. 3, whence No. 1 bears N. 81 E., and No. 5 S. 54° 45 W.

Sine 32¼° arle.	272772	Sine 24° arle.	390687
Sine 105°	9984944	Sine 42° 45	9.831742
Log. 91	954243	Log. 16° 29	1211959
Log. 1629	1211959	Log. 27 19	1.4343388
Distance from No. 2 to No. 3.		Distance from No. 1 to No. 3.	
Sine 32¼ arle.	272772	Sine 15¼° arle.	579993
Sine 42°45	9831742	Sine 62°	9.945935
Log. 9.00	.954243	Log. 11 45	1058757
Log. 11.45	1.058757	Log. 38 43	1.584685
Distance from No. 3 to No. 4.		Distance from No. 3 to No. 5.	

S. 81° W. 27.19 chains; S. 54¾ W. 38.43 chains.

[For diagram, see page 602 of the original.]

Traverse of the sea shore.

Go to a rocky point No. 7, (the most western of the heads,) whence section No. 5 bears N. 26¾ E., and a flag on point at station No. 8 bears S. 4½ E.; thence measuring from No. 7, N. 83 E. 1230 chs. to No. 6, whence No. 5 bears north 16½ W. and No. 8 bears south 36½ west. Go to flag at No. 8 and measure S. 4½ E. 2.25 chains to No. 9. From No. 9 a flag on sand beach at No. 11 bears S. 42¾ E., measure E. 8.40 chs. to No. 10, whence flag at No. 11 bears south.

Sine	43° 15	arle.	164193	
Sine	80° 30	"	9.994003	
Log.	12 30	"	1089905	
	17.71		1.248101	Distance from 5 to 7.
Sine	41°	arle.	183057	
Sine	46½		9.860562	
Log.	13.30		1.089905	
Log.	13.60		1.133524	From 7 to 8.
	2 25			
	15.85	Distance from 7 to 9.		

[For diagram, see page 603 of the original.]

Traverse of the sea beach.

S. 4½ E. 135.00 chs , in front of the great sand drift; S. 9 E. 76.00 chs., in front of the great sand drift; S. 1¼ E. 44.27 chs., 10 chains to that of Lake Mercer to the wreck of an old brig, and to the N.W. corner of Col. Ransom's survey of the land claimed by the heirs of Francisco de Haro; thence down the coast according to said survey; S. 1½ W. 10.00 chs., the bluff commences S. 3½ E. 29.00 chs., S. 12½ E. 171.47 chs. to the N. W. corner of the estate of Francisco de Haro according to the strict terms of the grant; thence on the north boundary of said grant to de Haro, which is parallel to the north boundary of the Sanchez Rancho, and from it one league in latitude N. 51½ E. 145.53 chains, to the northeast corner south 208.33 chains, or one league to point of intersection with the north boundary of the Rancho Buri Buri, or Sanchez Rancho.

The Sanchez line.

Thence with said boundary N. 51½ E. 138.87 chs. to intersection with the boundary of the Visitacion Rancho.

Thence on boundary between Ranchos La Visitacion and Buri Buri, as run by Wacheurueden—

S. 44¼ E. 12.50 chains along base of the San Bruno mountains.
S. 13 E. 41.20 " " " " "
S. 49½ E. 87.00 " " " " "
S. 35½ E. 25.80 " " " " "
S. 71¼ E. 62.20 " " " " "
N. 70½ E. 33.30 " " " " "

N. 69¼ E. 60.25 through pass in hills to the bay of San Francisco, at outlet of Estero; thence along the bay N. 6¾ W. 27.20 chs., N. 43½ E. 24.90 chs., N. 5¾ E. 3.25 to a rocky point (Point San Bruno.)

Meanders of the bay of San Francisco.

N. 70 W. 12.00 chains; N. 43 W. 15.40 chains; N. 11½ W. 25.70 chains; N. 36½ W. 20.45 chains; S. 83¾ W. 10.30 chains; N. 36¾ W. 16.40 chains; N. 10¾ E. 14.00 chains; N. 42½ E. 16.40 chains; N. 37½ W. 13.00 chains; N. 75½ W. 18.15 chains; N. 20 W. 34.65 chains; N. 25¾ E. 23.15 chains; N. 52½ E. 30.30 chains; S. 72¾ E. 19.90 chains; N. 79½ E. 8.00 chains; N. 30 E. 16.20; chains; N. 78 E. 9.70 chains; N. 65½ E. 13.90 chains; N. 58 E. 141.10 chains, to the northeast corner of Jacob Lewis, rancho; thence in front of the Bernal rancho, according to the survey of Schofield, the connexion being made between the two surveys.

N. 24½, W. 24.00 chains; N. 25½ E. 9.84 chains, to small creek; N. 38½ E. 20.75 chains; N. 68½ W. 5.76 chains; N. 42 W. 5.78 chains; N. 16¾ W. 3.71 chains to creek; N. 19 E. 12.00 chains; N. 71 E. 10.36 chains to bluff; E. 66 E. 8.30 chains; N. 35¼ E. 91.50 chains; N. 64¼ E. 18.00 chains; N. 69½ E. 4.28 chains; S. 88½ E. 5.50 chains; S. 62 E. 5.67 chains; S. 12¼ E. 5.83 chains; N. 67¼ E. 6.68 chains; S. 44½ E. 10.65 chains; S. 66¾ E. 8.23 chains; N. 60¼ E. 13.75 chains; S. 44 E. 9.75 chains; S. 51° 10 E. 4.00 chains; S. 73 E. 4.62 chains; N. 5 E. 17.75 chains; N. 51 E. 20.00 chains to point on bluff; S. 86¾ W. 31.16 chains; N. 59½ W. 14.37 chains; N. 83¼ W. 12.91 chains; N. 65 W. 17.00 chains; N. 31 W. 11.00 chains; N. 2 E. 24.00 chains; N. 53 W. 2.82 chains; S. 74 W. 3.58 chains; N. 70¾ W. 12.00 chains; S. 80 W. 3.97 chains; N. 36¾ W. 9.45 chains; N. 13¾ W. 3.30 chains; N. 45½, W. 3.08 chains; S. 84 W. 5.84 chains; N. 23¼ W. 9.70 chains; S. 41 W. 5.13 chains to creek; S. 81½, W. 7.67 chains, on marsh to slough; N. 45¾ W. 27.00 chains; 14.50 chains; to slough; N. 61½ W. 2.80 chains; N. 91½ W. 11.00 chains to the mouth of large slough at this point, made connexion with the survey of Schofield.

N. 31 E. 6.76 chains cross slough and leave Borunt's R; N. 10 E. 7.00 chains; N. 44½ E. 3.57 chains to rocky point (leave marsh;) N. 19 E. 12.00 chains; S. 78 E. 4.20 chains; N. 43 E. 1.60 chains, rocky shore; N. 14 W. 5.30 chains; N. 24 E. 11.00 chains; N. 45 E. 13.00 chains, 3.70 chains, mouth of slough marsh to left; S. 64 E. 16.44 chains, Higgin's house on point; N. 62 E. 6.00 chains; N. 44 W. 4.48 chains; N. 22 E. 7.30 chains; N. 5 E. 2.90 chains; N. 60 E. 2.50 chains; N. 20 W. 7.00 chains; N. 68 W. 11.20 chains, shore of bluff rocks; S. 15 W. 1.10 chains; S. 69 W. 5.00 chains; N. 59 W. 4.20 chains; N. 26 W. 6.30 chains; N. 62 W. 4.20 chains, rocky shore; N. 29 W. 6.40 chains; N. 5½ E. 18.00 chains, at 11.50 chains, brickkiln on shore; N. 66 E. 5.40 chains; N. 21 W. 1.20 chains, there is a line of detached rocks, (Pt. San Quintin) ranchos off N. 67 E.; S. 74 W. 4.00 chains; S. 71 W.

4.80 chains ; S. 69 W. 2.60 chains ; S. 9 W. 3.40 chains, rocky point ; S. 37 W. 9.00 chains, 5 chains, brickkiln ; N. 67 W. 38.36 chains, at 50 links, a house S. W. 4 chains, at 21 chains cross fence, a house 5 chains South at 31.50 chains cross slough ; N. 34 W. 17.50 chains, at 50 links cross slough, at 5.50 chains cross slough 50 links wide ; N. 16½ W. 25.00 chains, at 1.00 links, Mission creek, at 3 chains cross Mission creek to marsh, at 10 chains cross Estero 20 links wide, at 1150 a small house 75 links to right ; N. 30 E. 18.00 chains; N. 17½ E. 6.70 chains, to mouth of Estero, the place of beginning.

The Mission Dolores lands granted to Santillan by Pio Pico.

Courses.	Chs.	L. N.	L. S.	D. E.	D. W.	N.L.Cld.	S. L. C.	E.D. Bld.	W. D. Bd.	D. M. D.	N. A. $ A.
N. 17½ E.	16.70	6.39		2.02		6.40	202		102.350	65504000	
N. 67½ W	5.50	2.11			5.08	2.11		5.08	102.044	21531284	
S. 45 W.	4.00				2.83	59.89	2.83	2.83	101.253		286.545.99
N. 76 W.	245.70	59.44	2.83		238.40			238.52	771.18	461859702	48.221.20
S. 89.35 W	200.00				200.00		145	200.10	332.56		44.875.75
S. 81 W	27.19		1.45		26.86		4.25	26.87	105.59		104.788.62
S 53¾ W.	38.43		4.25		31.38		22.14	31.39	47.33		125.76.66
S. 26¾ W.	17.71		22.18		7.97		15.98	7.97	7.97		1.973.75
S. 4½ E	15.85		15.81				15.79.125		1.25		9.875.40
S. 42¾ E	12.37		15.80	1.25			9.06.840		10.90		401.497.20
S. 4½ E	135.00		9.08	8.40			134.28.10.60		29.90		392.326.20
S. 9 E	76.00		131.58	10.60			74.90.11.88		52.38		288.120.91
S. 1¼ E	44.27		75.06	11.89			44.17.97	.26	65.23		65.808.12
S. 1½ W.	10.00		44.26	.97			998		65.94		212.463.05
S. 3½ E	29.00		10.00		.26		28.891.77		67.45		1775.468.16
S. 12½ E	171.47		28.95	1.77			167.04.37.07		106.29		
N. 51½ E.	145.53	90 59	167.41	37.11					257.16	234504204	
South.	208.33		208.33	113.89		91.19	113.80		370.96		7710.032.64
N. 51½ E.	138.87	86.45		108.68					479.55	417304410	
S. 44¼ E.	12.50		8.96	8.72		87.02	207.84		596.86		534.189.70
							108.59				
							8.95.872				
		244.98	748.95	305.30	512.78	246.61	747.3330507	513.02		120073600	11888.763.35
		+1.63	—1.62	—23	+24						
S. 13 E.	41.20		40.14	9.27			39.99927		614.85		245878515
S. 39½ E.	87.00		56.50	66.16			56286614		692.26		3885.38328
S. 35½ E.	25.80		21.00	14.98			20 921497		771.37		1613.70604

S. 71¼ E.	62.20		19.99	58.90			19.9458.88		845.22		1685.28868
N. 70½ E.	33.30	11.12		31.39		11.16	31.37		935.47	104398452	
N. 69¾ E	60.25	21.35		56.34		21.42	56.32		1023.16	219160872	
N. 6¾ W	27.20	27.01			3.19	27.10		3.19	1076.29	291674590	
N. 43½ E.	24.90	18.06		17.14		18.12	17.13		1090.23	197549676	
N. 5¾ E	3.25	3.23		.33		3.24	33		1107.69	358.89156	
N. 70 W	12.00	4.10			11.28	4.11		11.29	1093.73	450.75603	
N. 43 W.	15.40	11.26			10.50	11.30		10.51	1074.93	1214.67090	
N. 11½ W	25.70	25.19			5.12	25.27		5.12	1059.30	267685110	
N. 36½ W	20.45	16.44			12.17	16.49		12.18	1042.00	1718.25.800	
S. 83¾ W	10.30		1.12		10.24		1.12	10.25	1019.57		124.19184
N. 36¾ W.	16.40	13.14			9.81	13.18		9.81	999.51	1317.35418	
N. 10¾ E.	14.00	13.75		2.61		13.79	2.61		992.31	1368.39549	
N. 42½ E.	16.40	12.09		11.08		12.13	11.07		1005.09	1220.26587	
N. 37½ W.	13.00	10.31			7.91	10.34		7.91	1009.15	1043.46110	
N. 75½ W.	18.15	4.55			17.58	4.57		17.59	983.65	44952805	
N. 20 W	34.65	32.56			11.85	32.69		11.86	954.20	311927980	
	561.55	224.16	138.75	268.20	99.65	224.91	138.2526809	99.71		23065.54798	965735499
N. 25¾ E.	23.15	20.86		10.06		20.93	10.05		952.39	19.9335227	
N. 52½ E.	30.30	18.44		24.04		18.50	24.02		986.46	1824.95.100	
S. 72¾ E	19.90		5.90	19.01			5.88.1900		1029.48		60533424
N. 79½ E.	8.00	1.46		7.87		1.46	7.87		1056.35	154.22710	
N. 30 E.	16.20	14.03		8.10		14.08	8.10		1072.32	150982656	
N. 78 E.	9.70	2.02		9.49		2.02	9.48		1089.90	22015980	
N. 65½ E.	13.90	5.76		12.65		5.78	12.64		1112.02	64274756	
N. 58 E.	14.10	7.47		11.95		7.94	11.94		1136.60	85131340	
N. 42½ W.	24.00	17.69			16.21	17.75		16.22	1132.32	200986800	
N. 25½ E.	9.84	8.88		4.23		8.91	4.23		1120.33	998.21403	
N. 38½ E.	20.75	16.24		12.92		16.30	12.91		1137.47	185407610	
N. 68¼ W	5.76	2.11			5.36	2.11		5.36	1145.02	24159922	
N. 42 W	5.78	4.30			3.87	4.31		3.87	1135.79	48952549	
N. 16¾ W	3.71	3.55			1.06	3.56		1.06	1130.86	40258616	
N. 19 E.	12.00	11.35		3.91		11.39	3.91		1133.71	129129569	
N. 71 E.	10.36	3.38		9.80		3.39	9.79		1147.41	38897199	

The Mission Dolores Lands granted to Santillan by Pio Pico—Continued.

Courses.	Chs.	L. N.	L. S.	D. E.	D. W.	N.L. Cld.	S. L. C.	E.D.Bld.	W. D. Bd.	D. M. D.	N. A. $ A.
S. 66 E.	8.30	.....	3.38	7.58	.....	.....	337.758	.....	1164.78	.....	39253086
N. 35¼ E.	9.50	7.76	.....	5.48	.....	7.79	5.48	.....	1177.84	91753736	.....
N. 64½ E.	18.00	7.82	.....	16.20	.....	7.85	16.20	.....	1199.52	94162320	.....
N. 69¼ E.	4.28	4.50	.....	4.01	.....	1.50	4.01	.....	1219.73	18295950	.....
	267.63	154.62	9.28	167.31	26.50	155.12	9.2516721	26.51	.....	1691503443	997.86510
S. 88½ E.	5.50	.....	5.50	.14	.....	.....	54814	.....	1223.88	.....	67068624
S. 62 E.	5.67	.....	2.66	5.00	.....	.....	265.500	.....	122902	.....	32569030
S. 12½ E.	5.38	.....	5.26	1.14	.....	.....	524.114	.....	1235.16	.....	647.22384
N. 67¼ E.	6.68	2.58	.....	6.16	.....	2.60	6.16	.....	1242.46	323.03960	.....
S. 44½ E.	10.65	.....	7.59	7.47	.....	.....	7.56747	.....	1256.09	.....	94960404
S. 66¾ E.	8.23	.....	3.25	756	.....	.....	3.24756	.....	1271.12	.....	411.84288
N 60¼ E.	13.75	6.82	.....	11.94	.....	6.85	11.93	.....	129061	88406785	.....
S. 44 E.	9.75	.....	7.01	677	.....	.....	6.99677	.....	130931	.....	91520769
S. 51. 10 E.	4.00	.....	251	312	.....	.....	2.503.12	.....	1319.20	.....	32980000
S. 73 E.	4.62	.....	135	442	.....	.....	135.442	.....	1326.74	.....	17910990
N. 5 E.	17.75	17.69	.....	1.55	.....	17.76	1.55	.....	1332.71	236689296	.....
N. 51 E.	20.00	12.59	.....	15.54	.....	12.65	1553	.....	1349.79	170748435	.....
S. 86¾ W.	31.16	.....	177	.....	31.11	.....	1.77	31.13	1334.19	.....	23615009
N. 59½ W.	14.37	7.30	.....	.....	12.38	7.34	.....	12.39	1290.67	94735178	.....
N. 83¼ W.	12.91	1.52	.....	.....	12.82	152	.....	12.83	126545	19234840	.....
N. 65 W.	17.00	7.18	.....	.....	15.41	7.22	.....	15.42	1237.20	89325840	.....
N. 31 W.	11.00	9.43	.....	.....	5.57	9.48	.....	5.67	1216.11	11528228	.....
N. 2 E.	24.00	23.99	.....	84	.....	24.08	84	.....	1211.28	291676224	.....
N. 53 W.	2.82	1.69	.....	.....	2.25	1.69	.....	2.25	120987	20446803	.....
S. 74 W.	3.58	.....	99	.....	3.44	.....	99	344	120418	.....	11921382
	228.82	9079	37.89	71.65	83.08	91.19	37777163	8313	.....	1158854589	478452880

N. 70¾ W.	12.00	3.96			11.33	3.98						
S. 80 W.	3.97		69		3.91		69	1134	118940	47338120		
N. 36¾ W.	9.45	757			5.65	7.60		3.91	1174.15		81.01644	
N. 13¾ W.	3.30	3.21			.78	3.23		5.65	1164.59	885.08840		
N. 45¼ W.	3.08	216			2.20	2.17		78	1185.16	37408568		
S 84 W.	5.84		61		5.81		61	220	1155.18	25067306		
N. 23¼ W.	9.70	8.91			3.83	8.95		5.81	1147.17		69.97737	
S. 41 W.	513		387		3.37		3.85	3.83	1137.53	101808935		
S. 81¼ W.	7.67		113		7.58		1.12	3.37	1130.33		43517105	
N. 45¾ W.	27.00	18.84			19.34	18.92		7.58	1119.38		12537056	
N. 61½ W.	2.80	1.34			2.46	1.34		19.35	1092.45	206691540		
N. 19¼ E.	11.00	10.37			3.67	1041		2.46	1070.64	14346576		
N. 31 E.	6.76	5.79				5.81		3.67	1064.51	1108.15491		
N. 10 E.	7.00	687		3.48		6.71	3.48		1064.32	61836992		
N. 44½ E.	3.57	2.55		1.12		2.56	1.22		1069.02	73869282		
N. 19 E.	12.00	11.35		2.50		11.40	250		1072.74	27462144		
S. 78 E.	420		87	3.91			391		1079.15	123023100		
N. 43 W.	160	1.17		4.11		1.17	874.11		1087.17		9458379	
N. 14 E.	530	5.14		1.09		516	109		1092.37	12780729		
1824 E.	11.00	1005			1.28	1069		1.28	1092.18	56356488		
				4.47			4.47		1095.37	110522833		
	152.37	9930	7.17	2078	7121	99.70	7.14.2078	71.23		109.7836944	80612521	
N. 45 E.	1300	9.19		9.19		9.22	9.19		1109.03	102252566		
S. 64 E.	1644		720	1478			7.1714.77		1132.99		81235383	
N. 62 E.	600	2.82		530		2.83	5.30		1153.06	32631378		
N. 44 W.	448	3.23			3.11	3.25		3.11	1155.25	37545625		
N. 22 E.	7.30	6.77		2.74		6.80	2.74		1154.88	78531840		
N. 5 E.	2.90	2.89		25		2.90	25		1157.87	33578230		
N. 60 E.	2.50	125		2.17		1.25	2.17		1160.29	14503625		
N. 20 W.	7.00	6.58			2.39	6.60		2.39	116007	76564620		
N. 68 W.	11.20	4.19			10.39	421		10.40	114.728	48300488		
S. 15 W.	1.10		106		29		106	29	113659		12047854	
S. 69 W.	5.00		1.79		467		178	4.67	1131.63		201.43014	
N. 59 W.	4.20	2.16			3.60	2.17		360	1123.36	243.76912		

The Mission Dolores lands granted to Santillan by Pio Pico—Continued.

Courses.	Chs.	L. N.	L. S.	D. E.	D. W.	N.L. Cld.	S. L. C.	E.D.Bld.	W. D. Bd.	D. M. D.	N. A. $ A.
N. 26 W	6.30	5.66			2.76	5.68		2.76	1117.00	63445600	
N. 62 W	4.20	1.97			3.71	1.98		3.71	1110.53	21988494	
N. 29 W	6.40	560			3.10	5.62		3.10	1103.72	62029064	
N. 5½ E	18.00	17.92		1.73		18.00	1.73		1102.35	198423000	
N. 66 E	5.40	2.20		4.93		221	4.93		1109.01	24509121	
N. 21 W	1.20	1.12			43	1.12		43	1113.51	12471312	
S. 74 W	4.00		1.10		3.85		1.10	3.85	1109.23		12201530
N. 71 W	4.80	1.56			454	1.57		4.54	1100.84	17283188	
	131.42	75.11	11.15	41.09	42.84	75.41	11114108	42.85		8484.34963	1256.27781

Courses.	Chs.	N. L.	$ L.	E. D.	W. D.	N. L.	$ L. E. D.	W. D.	D. M. D.	N. areas.	$ Arenas.
S. 69 W	2.60		93		2.43		93	2.43	1093.87		101.72991
S. 9 W	3.40		3.36		53		3.55	53	1090.91		36545485
S. 37 W	9.00		7.19		5.42		7.16	5.42	1084.96		776.831.36
N. 67 W	38.36	14.99			35.31	15.06		35.33	1044.21	157258026	
N. 34 W	17.50	14.50			9.74	14.57		9.80	99908	145565956	
N. 16½ E	25.00	23.97		7.10		24.06	7.10		99638	2397.29028	
N. 30 E	18.00	15.59		9.00		15.66	9.00		101248	158554368	
	113.86	69.05	11.48	16.10	53.48	69.35	11.44.16.10	53.51		7011.07378	1244.01612

N. L.	S L.	E. D.	W. D.	N. L.	S. L.	E. D.	W. D.	North areas.	South areas.
244. 98	748. 95	305. 30	512. 78	246. 61	147. 33	305. 07	513. 02	12007. 03600	11888. 76335
224. 16	138. 75	268. 20	99. 65	224. 91	138. 25	268. 09	99. 71	2306554798	9657. 354. 99
154. 62	9. 28	167. 31	26. 50	155. 12	9. 25	167. 21	26. 51	16915. 03443	99785610
90. 79	37. 89	71. 65	83. 08	91. 19	37. 77	71. 63	83. 13	11588. 54589	4784. 52880
99. 30	7. 17	20. 78	71. 21	99. 70	7. 14	20. 78	71. 23	10987. 36944	806. 12521
75. 11	11. 15	41. 09	42. 84	75. 41	11. 11	41. 08	42. 85	848434963	1256. 277. 81
69. 05	11. 48	16. 10	53. 48	69. 35	11. 44	16. 10	53. 51	701107378	124401612
958. 01	964. 67	890. 43	889. 54	962. 29	962. 29	889. 96	889. 96	90649. 95715	30634. 93138
	958. 01	889. 54						30634. 93138	
	6. 66	. 89						2)59415. 02577	
								Result, 29717. 51289 acres.	

29717. 51289 acres.
19531. 24700—4½ leagues.

10. 186. 2759 acres—10. 186½ acres of mission land.

A. VAN DORN.

Estate of Francisco de Hara.

Beginning on the sea shore at the north boundary of the Sanchez Rancho; thence with the line of said rancho N. 5½ E. 121.13 chains; thence N. 208.33 chs., or one league; thence S. 51½ W. 145.53 chs. to the sea shore; thence along the shore S. 12½ E. 18.53 chains: S. 5½ E. 59.00 chs.; S. 3½ E. 37.00 chains: S. 3½ E. 30.00 chains; S. 7 E. 5.84 chains; S. 10¾ E. 44.44 chains, to place of beginning, containing 2170.13085 acres, one one-half league, according to the following computation:

Courses.	Chs. Lks.	L. N.	L. S.	D. E.	D. W.	D. M. D.	N. A.	S. A.
South	208.33		208.33					
S. 51½ W	121.13		75.40		94.79	94.79		714.716.60
N. 10¾ W	44.44	43.66			8.29	197.87	86390042	
N. 7 W.	5.84	5.79			.71	206.87	11977773	
N. 3½ E.	30.00	29.94		1.83		205.75	616.01550	
N. 3½ W	37.00	36.93			2.26	206.18	761.42274	
N. 5½ W	59.00	58.73			5.65	214.09	125.735057	
N. 12½ W.	18.53	18.09			402	223.76	40478184	
N. 51½ E	145.53	90.59		113.89		113.89	103172951	
		283.73	283.73	115.72	115.72		505497831 71471660	714.716.60
							2)434026171	
							2170.13086	

A. VAN DORN.

We, the undersigned, hereby certify that we assisted A. Van Dorn in survey of which the foregoing are the field notes, and that said survey was, to the best of our knowledge and belief, well and faithfully executed, and that the said notes are the true records and description of said survey.

WILLIAM WILSON.
RICHARD THOMAS.

Subscribed and sworn to before me, at San Francisco, California, this 3d day of October, A. D. 1854.

A. VAN DORN.

Filed in office November 28, 1854.

GEO. FISHER, *Secretary.*

Stipulation on part of Claimant.

JAMES R. BOLTON
vs. } No. 81.
UNITED STATES.

It is hereby stipulated on the part of said claimant that the exhibits in case number 280, numbered from 1 to 18, excluding No. 4 and 18, may be filed in this case.

The proof of the genuineness of said documents being hereby expressly waived, the said claimant reserving all objections to the legal effects of said documents as evidence.

Thornton, one of the counsel for claimant for case number 81; for the rest of the counsel, John W. Dwinelle, attorney and counsel of record.

J. H. McKIME,
United States Law Agent.

Filed in office March 8, 1855.

GEORGE FISHER, *Secretary.*

Doc. No. 1.—*H. J. T. annex. to the Depo. of M. G. Vallejo, before Com. H. J. Thornton.*

[SELLO.] La E. Disputacion Territorial en uso de las atribuciones qe. le confiere la ley de 23 de Junio de 1813. Se sirvir con fha. de ayer acordar las prevenciones siguientes.

1ª. El Sr. Gefe. Politico dispondra que el partido de S. Francisco proseda à la eleccion de un ayuntamiento constitucional qe. devera residiren el presidio de este nombre compresto de un alcalde, dos Rejidores y un sindico procurador, arreglandose en un todo para poderlo verificar à la constitucion vigente y ley de 12 de Junio de 1830.

2ª. Que se de cuenta por el conducto respectivo al supremo gobierno para la devida aprovacion.

Ylo transcrivo à V. para su intelligencia y cumplimiento recomendero dole que se verifique la eleccion el dia senàlado por la citada ley de 12 de Junio prevengo à V. igualmente que instalado el ayuntamiento egersa las funciones politicos de qe. V. ha estado encargado y el alcalde las judiciales qe. le delegan las leyes por falta de prez de letras que dando. V. reducido à solo el mando militar y recurendo con anticepacion las devidas gracias por el acierto y esactitud con qe. ha desem penàdo el gobierno politico de esa demarcacion.

Dios y Libertad Monterey 4 de Obre 1834.

JOSE FIGUEROA.

SR. COMMANDANTE,
Militar de San Francisco.

Filed in office February 11, 1853.

GEORGE FISHER,
Secretary.

Translation of Document No. 1, H. J. T., annexed to Depo. of M. G. Vallejo.

{ SEAL OF THE POLITICAL GOVERNMENT OF UPPER CALIFORNIA. }

The most excellent territorial deputation, using the powers conferred on it by the law of the 23d of June, 1813, on yesterday passed the following instructions:

1. The political chief will direct that the partido of San Francisco proceed to the election of an ayuntamiento constitutional, which will reside in the presidio of that name, composed of an alcalde, two councilmen, and a syndic procuror, regulating itself, in all respects, so as to be able to verify it by the existing constitution and the law of June 12, 1830.

2. That account being given by the proper way to the supreme government for the due approbation, and I transcribe it to you for your information and compliance, recommending that the election be carried into effect on the day appointed by the said law of the 12th of June.

I also notify you that the ayuntamiento, when installed, will exercise the political functions with which you have been charged, and the alcalde the juridical functions which the laws, for want of a judge of letters, confer on him. You remaining restricted to the military command alone, and receiving, in anticipation, the thanks due for the prudence and exactness in which you have carried on the political government of that demarcation.

God and liberty, Monterey, November 14, 1834.

(Signed,) JOSE FIGUEROA.

Filed in office May 9, 1854.

GEORGE FISHER,
Secretary.

Doc. No. 2, H. J. T., annexed to the deposition of M. G. Vallejo, taken before Commissioner Henry J. Thornton.

En el presidio S. Franco. á srete de Deciembre de mil ochocientos treinta y cuatro; rennida la municipalidad de esta demarcacion en la cosa de la comandancia previa la correspondiente convocatoria à efecto de celehar la junta primera pa. la votacion de los electores que debens concurrir á la secundaria que ha de berificaise el Domingo proximi seguiente con el objeto de elegir los individuos de que se ha de componer el nuevo ayuntamt. pa. esta comprencion y de ben funcionar des de el año entrante de mil ochocientos treinta y cinco cumpliendo con lo prevenido pr. el sor. gefé politico en cuatro de Noviembre de este año en virtud de lo acordado sobre la materia pr. la exma diputacion territorial se procedio previa la votacion de cuatro secretarios á la de doce elec-

tores que segino la municipalidad rennida se regulacion corresponder y haviendose echo la regulacion de los C. C. Ignacio Paralta con veinte y siete votos, Francisco Sanchez con veinte y tres, Francisco Sotocon veinte, Joaquin Castro con diez y nueve, Josè de la Cruz Sanchez con diez y siete, Franco de Haro con diez y seis, Manuel Sanchez con quince, Gabriel Castro con trece, Antonia Castro con doce, Marcos Briones con nueve, y Apolinam Miranda con nueve; por cuyas circumstancias quedaron electos los espresados y se les hizo server quedando concluido el acto, formarido la presente acta, presidente y secretarios.

FRANCISCO DE HARO,
FRANCISCO SANCHEZ,
JOAQUIN CASTRO,
JUAN MIRANDA.

Filed in office February 11, 1853.

GEORGE FISHER, *Secretary.*

Translation of document No. 2, H. J. T., annexed to the deposition of M. G. Vallejo.

In the presidio of San Francisco, the 7th day of December, 1834, the municipality of this demarcation assembled in the house of the commandancia, the corresponding order of convocation being previously given for the purpose of holding the primary junta for voting for the electors who are to meet in secondary (junta) on the first following Sunday for the purpose of electing the individuals who are to compose the new Ayuntamiento for this *comprehension*, and who are to hold office for the coming year of 1835, in compliance with what is ordered by the political chief on the 4th of November, of this year, in virtue of the resolution on the matter by the most excellent territorial deputation, after the election of four secretaries, proceeded to the election of twelve electors, which number, according to the assembled municipality, was found to correspond to it; and, having counted the votes, from which there resulted by majority: Citizens Ignacio Paralta, with 27 votes; Francisco Sanchez, with 23; Francisco Soto, with 20; Joaquin Castro, with 19; José de la Cruz Sanchez, with 17; Francisco de Haro, with 16; Manuel Sanchez, with 15; José Miranda, with 15; Antonio Castro, with 12; Marcos Briones, with 9; from which it resulted that the said gentlemen were elected, and they were notified of it; and the act being concluded, the president and secretaries signed the present act.

FRANCISCO DE HARO.
FRANCISCO SANCHEZ,
JOAQUIN CASTRO,
JUAN MIRANDA.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Doc. No. 3.—*H. J. T., annexed to the Depo. of M. G. Vallejo, taken before Com. H. J. Thornton.*

En el pueblo de S. Franco. de Asis á los trece dias del mej de Dhe. de mil Ocho cientos tremta y sinco rermida la municipalidad de esta demarca cion en la plaza de dho puebl. mevra la correspondte. combocatoria pe. Voletas echa pr. el Alcalde Constitucional de ella á efecto de celehar la junta primana pla. les Votaccion de nueve Electores pa. correspondes segum el ve cindario dl. esta session y habiendo dado principio al Acto el referido Alcalde Constitucnl. como presidle. se prosedio á la Votacion espresada, pl. medio de los Voletas qe. fueron presentando suce siramle. todos los C. C. concunentes; la qe. habiendose publicado pr. el se cretario qe. lo fué el mismo del Ayun tamts. echa á continuacion la regulacion de los Votos, resulto, de ella haber re cividola marjoria pa. Electores los C. C Bartolo Bohorquez con dies y seis Votos José de la Cruz Sanchez, con catorce, Felipe Briones can Catorce, Gabriel Castro con trese, meml. Sanchez con Once, Franco. Sanchez con Once, Ignacio peralta con Once Joaqm. Estadillo con trece y Candelario Balencia con diez, á quienes, se les hizo sabeo pr. Oficio credencial pa. qe. estendidas de su nomha mnls. concunieren el Domingo, Neinte y ciete del preste. mes á fin de Celebrad. la Junta Electoral, qe. debe verificar la Eleccion de Alcl. 2º rejidor y sin dico pro curador pa. el año sejle. de 1836, y quedando conchir do el acto se dissolbio la punta y lo formaion presdle. y secretario.

Presde.

FRANCISCO DE HARO.
FRANCO. DE HARO, *Siro.*

Filed in office February 11, 1853.

GEO. FISHER, *Secretary.*

Translation of Document No. 3, *H. J. T., annexed to the deposition of M. G. Vallejo.*

In the pueblo of San Francisco de Asis, on the 13th day of the month of December, 1835, the municipality of this demarcation, in the plaza of said pueblo, the corresponding call being previously made by billets by its constitutional alcalde, for the purpose of holding the primary junta to elect nine electors, which correspond according to the number of inhabitants of this section; and the said constitutional alcalde having begun the matter as president, the said election took place by means of billets which were successively presented, all the citizens concurring, which being made public by the secretary, who was also the secretary of the Ayuntamiento, they in continuation took the votes, from which there resulted, by majority for electors: Citizens Bartolo Bajorquez,

with 16 votes; José de la Cruz Sanchez, 14; Felipe Briones, 14; Gabriel Castro, 13; Manuel Sanchez, 11; Francisco Sanchez, 11; Ygnacio Peralta, 11; Joaquim Estadillo, 14; Candalario Valencia, 10; who were officially notified and understood their appointments, and were to meet on Sunday, the 27th of the present month.

In order to hold the electoral junta for the election of alcalde, 2d regidor, and syndic procuror for the following year of 1836, and the act being concluded, the junta dissolved, and the president and secretary signed.

FRANCISCO DE HARO, *President.*

FRANCISCO SANCHEZ, *Secretary.*

Filed in office May 9, 1854.

GEO. FISHER, *Secretary.*

Exhibit No. 5 to deposition of M. G. Vallego, taken before H. J. T., in case No. 280.

[SELLO.] Me parese muy bien el nombramt^{o} que ha echo V. en favor del Cno. Gregorio Brones p^{a} Alcalde ansiliar en la Contra Costa y p^{a} consiguente es de mi pareceves de mi aprovacion.

Dijolo á V. en contestacion á su bfl. de la materia del 22 del ql. acaba.

Dios y Libertad.

MONTEREY, *Eno.* 31 *de* 1835.

JOSÉ FIGUEROA.

Sr. Alcalde Constl. de Sr. Franco de Asis.

Recorded in Book of Rec. of Ev. Vol. XIV, pages 246.

Filed in office February 15, 1853.

GEORGE FISHER, *Secretary.*

Translation of Exhibit No. 5 to deposition of M. G. Vallego in No. 280.

[SEAL OF POLITICAL GOVERNMENT OF UPPER CALIFORNIA.]

The appointment you have made in favor of the citizen Gregorio Brones, as auxiliary alcalde in the Contra Costa, seems to me very well, and consequently has my approval.

I say this to you in answer to your official note on the matter of the 22d ultimo.

God and liberty.

MONTEREY, *January* 31, 1835.

JOSÉ FIGUEROA.

Señor Constitional Alcalde of San Francisco de Asis.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Exhibit No. 6 to the deposition of M. G. Vallejo, taken in No. 280, H. J. T.

[SELLO.] La E. Deputacion Territoral, en sesion de veinte y dos de Setiembre aprobo qe. el ayuntamiento de ese pueblo pudrese conseder solares qe. no pasen de 100 vs. pa. favricar casas en el parage nombrada Yerba Buena, á la distancia de doscientas vs. retirado de la orilla del mar pagando á ese ayuntamiento el canon qe. se le senale somo parteneciente á los propios y sugetandose á llevar el Orn. arreglado de poblacion en linea de mejor policia.

Lo qe. repito á V. pa. qe. lo haga saber á los vesinos de ese pueblo á fin de qe. no ocurran con sus representaciones á este Govierno politico pr. sa esa una de las gracias qe. los ayuntamientos pueden conseder.

Dios y Libertad.

MONTEREY, *Obre.* 26, *de* 1833.

JOSÉ CASTRO.

Sr. ALCALDE DE SN. FRANCISCO DE ASIS.

Filed in office, February 15, 1853.

GEO. FISHER, *Secretary.*

Translation of exhibit No. 6 to deposition of M. G. Vallejo in No. 280.

{ SEAL OF POLITICAL GOVERNMENT OF UPPER CALIFORNIA, }

The most excellent territorial deputation, in session of the 22d of September, approved that the ayuntamiento of that pueblo may grant lots which do not exceed 100 varas, for the building of houses in the place named Yerba Buena, at the distance of 200 varas from the shore of the sea, paying to that ayuntamiento the fees which may be designated to him as pertaining to the propios and arbiters, and being subject to observe the order for forming the town in lines, in accordance with the ordinance regulating the police.

All which I communicate to you that you may make it known to the inhabitants of that pueblo, in order that they may not apply with their memorials to this political government, as it is one of the favors which the ayuntamiento can grant.

God and Liberty.

MONTEREY, *October* 26, 1835.

(Signed.) JOSÉ CASTRO.

SEÑOR ALCALDE DE SAN FRANCISCO DE ASIS.

I certify the foregoing to be a true and correct translation of the original Spanish on file in this office, in case number 280, city of San Francisco, for the pueblo lands.

GEORGE FISHER, *Secretary.*

OFFICE OF THE UNITED STATES LAND COMMISSION,
San Francisco, July 22, 1854.

Filed in office May 9, 1854.

GEO. FISHER, *Secretary.*

Exhibit No. 7 to deposition of M. G. Vallejo, taken in No. 280.
H. J. T.

[SELLO.] El E. S. secretario de justicio y negocios eclesiasticos me diese con fha, 19 de Dicbre, de 1834, lo que sigue Haviendo notado el E. S. presidente la absoluta palta de complimntº, que ha tenido en ese Territorio el art. 10 del decreto, de 22 de Julio del año ppor no haviendose remitido al fin de cada mes como se previene, un estado circunstanciado de las cansas que se huvieren determinado de los reos de delitos civianos me menda advierta à V. J. esa omision i preve nirle q[l] en lo subsesivo eccide de cumplir à esos jusgados con aquella disposicior hasiendolo responsable de cualquier otra falta q[l] puviere.

Lo q[l] inserto à V. p[a] q[l] pemtualmente me remita una relacion de presos que haya en esa carcel espe cificando sus delitos, fha en q[l] lo cometieron y estado de sus causas inclurjendo en ella los que esten senten ciados à que clase de penas y p[r] q[l] deleitos.

Dios y libertad, Monterey, Eño 19, de 1836.

NICOLAS GUTIERREZ,
Sôr Alcalde Sn. Francisco de Asio.

Filed in office February 15, 1853.

GEO. FISHER, *Secretary.*

Translation of exhibit No. 7 to deposition of M. G. Vallejo.

[SEAL OF POLITICAL GOVERNMENT OF UPPER CALIFORNIA.]

His excellency the secretary of justice and of ecclesiastical matters says to me, with date 19th December, 1834, the following:

His excellency the president having observed the absolute neglect which there has been in this Territory of complying with the article 10 of the decree of July 22, of last year, there not having been remitted at the end of each month a detailed statement of the cases decided of persons guilty of light offences, orders me to call your excellency's attention to this omission, and direct you to take care hereafter to comply exactly, and to cause those courts to comply with that disposition, making you responsible for any other neglect that there may be.

The which I enclose to you that you may punctually transmit to me a monthly report of the state of the prisoners there may be in that jail, specifying their crimes, the dates in which they committed them, and the state of their cases, including in that of those who may be sentenced to what kind of punishment, and for what crimes.

God and liberty, Montery, January 19, 1836.

(Signed,) NICOLAS GUTIERREZ,
Senor Alcalde de San Francisco de Asis.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Exhibit No 8, *to deposition of M. G. Vallego, taken in No.* 280, *H. J. T.*

Acta.—En el pueblo del S. Franco. de asis á los tres dias del mes de Dbll. de mil o cho cien tos treinta y siete reunida la municipali dad de esta comprencion en la plaza de otro pueblo á efecto de releven la punta primana sejun Estilo y Leyes de la materia; habrendo presidido los actos de botacion, de presidente, secretarios y Escurtadores correspondientes y consecuencemte. el primero acto continus à tomar la votacion segun el orden de los voletas que previamente se reparticion pr. comision nombrada con este objecto y en conclusion de todo acto esta la regulacion de sufragios resultados en favor de sada imodelos ciudadanos concurren tres; de ella esultaron electores pa. la Mayoria de botos reunida los ciudadanos Franco. Guerrero con 29 votros; Franco. de Haro con 26; Vicente Miranda con 21; Antonio Ma. Peralta con 20; José Antonio Alvisio con 17; Juan Bernal con 16; Geandoo Galindo con 15; José Cornelio con 14; Domingo Sais con 13. Lo que se les hi so saber pa. su nitel ligen sia por medio de un oficio que lesservire de credenciales y concluido este acto, se dessolvio la pinta y se pun por acta todo lo ectro; que formaion presidente secretarios y escrutadores, hoy dia de la fha.

FRANCISCO DE HARO, *Presidt.*

FRANCISCO G. PALOMARES, } *Srios.*
FRANCO. SANCHEY, }

ANTO. MA. PERALTA, } *Escrutadors.*
JE. DE LA C. SANCHEY, }

Filed in office February 15, 1853.

GEORGE FISHER, *Secretary.*

Exhibit No. 8 *to deposition of M. G. Vallego.*

ACT—In the Pueblo of San Francisco de Asis, on the 3d day of the month of December, 1837. The municipality of this comprehension being assembled in the place of said pueblo for the purpose of celebrating the junta provided according to custom and the laws on the matter. The acts of voting having first taken place for the president and secretaries and the corresponding inspectors, and consequently the first in continuation, proceeded to take the votes according to the order of the tickets previously distributed by the committee appointed for this purpose, and in conclusion of any act, the regulation of suffrages being made, it resulted in favor of a choice of the citizens present; from it there resulted electors by the majority of votes given Citizens Francisco Guerrero with 29 votes, Francisco de Haro with 26, Vicente Muomantes with 21, Anto. Maria Peralta with 20, José Antonio Alviso with 17, Juan Bernal with 16, Leander Galindo with 15, José Cornelio Bernal with 14, Domingo Liaz with 13, which was made known to them for their information by means of an official letter, which will serve them for credentials; and this act being concluded, the junta was dissolved, and there was recorded officially all that had been done, which was signed by the president, secretaries, and inspectors this day of its date.

(Signed) FRANCISCO DE HARO, *President.*
(Signed) F. G. VANDENARES, } *Secretaries.*
(Signed) F. SANCHEZ, }
(Signed) ANTO. MA. PERALTA,
(Signed) JOSÉ DE LA CRUZ SANCHEZ, *Inspectors.*

Filed in office May 9, 1854.

GEO. FISHER, *Secretary.*

Exhibit No. 9 *to deposition of M. G. Vallejo, taken in No.* 280.

En la Cuidad de Sr. Franco. de Asis à los Ocho dias del mes de Enero de mil ochocientos treinta y Ocho remidos en la Sala Constitucional de dicho pueblo los schores electores de esa municipalidad C. C. Franco. de Haro, Franco. Guerrero, Antonio Ma. Peralta, José Cornelio Bernal, José Antonio Albisa, Juan Bernal, Lemeho Galindo, Domingo Sacur y Vicente Miramontes p^{a}. celehar la pinta secundana electoral se prosedio à la lectura del lictor del Domingo trej anterior y habiendo sido aprobado en seginda al nombramt^{o}. de la comision p^{a}. examinar las credenciales de dichos senores ql. fueron tambien aprobados; acto continuo se dir principio à la Votacion del alcalde promedio de Voletas y echo la reg-

ulacion de votos resulto con la mayoria de cuatro el Cuidno. Franco. de Haro; pl. cuyas circumstancias y la de no haber se presentado objeccion ninguna contra el Elegido quedo en efecto electo alcalde pa. el presente ano de 1838, Consecuenstemt°. à continuacion se prosedio à la votacion del 2°. Regidor y Cerificados en los mismos terminos qe. la anterior y echa la regulacion de sufragios de Ellaqe. recevio la mayoria de Cuatro Votos el C. Domingo Saico pr. lo ql. quedo Eleto 2°. Regidor a continuacion se signio à la botacion del sindico procurador en la mismo forma qe. p^a. los antes nomtrados pl. ella resulte el C. José Rodriguez y en Efecto quedo Efecto de Sindico; habiendo pl. ultimo precuntadose si habra algoue. Obafetar de nunidad contra alguno de los electos y por no haberse presentado ninguna quedaron aprobados y sedio por concluido todo acto, y se puso por acta qe. firmaron presid^te. y secretario oy dio de la fhe.

IGNO MARTINEZ,
FRANCO. SANCHEZ, *Scrio.*

Filed in office February 15, 1853.
GEO. FISHER, *Secretary.*

Translation of Exhibit 9 to Deposition of M. G. Vallejo.

In the Pueblo of San Francisco de Asis, on the 8th day of the month of January, 1838, the electors of this municipality, citizens F. de Haro, F. Guerrero, Anto. Ma Peralta, José Cornelio Bernal, José Anto. Alvesio, Juan Bernal, Leandro Galindo, Domingo Sacris, and Vicente Miramontes, being assembled in the constitutional hall of said pueblo to celebrate the secondary electoral junta, the reading of the act of the previous Sunday, the 3d instant, was proceeded to; and having been approved, in continuation, they proceeded to the appointment of the committee to examine the credentials of said señors, which were also approved; in continuation, the voting for alcade was commenced by means of tickets, and the computation of votes being made, citizen F. de Haro resulted elected by a majority of four votes, for which reason, and because no objection was presented against the person elected, he remained in effect elected alcade for the present year of 1838.

In continuation, they proceeded to vote for second regidor, and being performed in the same terms as the preceding, and the computation of votes made citizen Domingo Sanchez receive the majority of four votes, wherefore he was elected second regidor; in continuation, the voting was continued for syndico procurador, in the same form as those before appointed, and from it resulted citizen José Rodriguez uniting the majority of five votes, and in effect he was elected syndico; lastly, having asked if there was any objection against any of those elected, and none having been pre-

sented, they were approved; and the whole act was considered as concluded, and it was recorded officially, which the president and secretary signed this day of its date.

(Signed) IGNACIO MARTINEZ,
(Signed) FCO. SANCHEZ.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Exhibit No. 10 *to the deposition of M. G. Vallejo, taken in No.* 280. H. J. T.

Juan Bte. Alvarado Gubernador Interino del Departamdnto de las Californias:

Por Cuanto á qe. se hace necesaria dar el lleno devido á la ley de 30 de Noviembre de 1836, remitida en el ultimo corre ó por el supremo Gobeino paro sio observacion en el Departmento en cargando sio pronto cumplimiento y qe. por las circumstancias en qe. se ha visti no se habia dado principio á has eleccioneo para la Organisacion del sistema Constitucional y deseoso qe. conforme á ella se esta blezcan las antoridades qe. deben funcia nor he dispuesto se observen al efecto en esta Alta California los signientes articulos:

1º. Se prosedera á los Elecciones constitucionales conforme á la ley de 30 de Noviembre 1836.

2º. Es los Elecciones darem principo el pumei Demingo del proscimo Merszo y terminarean el tercero del mismio me s.

3º. Sepmel orden qe. guarden las probla ciones se nombrarià im Electa pro cada una ue las siguientes S. France., S. José, Villa de Branciforte, Monterey, Santa Barbara los Angele y San Diego.

4º. Al efecto del articulo anterio el pueto de Sn. Diego reconocerá por cabezera de partrdo de la cuidad do los angeles, la Villa de Banciforte á Monterey y lo frontera del Norte de San Francó. al puetro de este uombre.

5º. Este Gobrerni se ponchá de a cuerdo con el Sór Gefé politico interino de la baja California, á fin de qe. promovido en aquello publos las elecciones correspondients, se cumpla enteramente lo dispueste por las leyes.

Y pana ql. llegue á Noticia de todos mando se publique por bando y se fipe en los parajes publicos a costumbrados.

Santa Barbara Enero 17. de 1839.

JUAN B. ALVARADO.

Filed in office February 15, 1853.

GEO. FISHER, *Secretary.*

Translation of Exhibit No. 10 *to Deposition of M. G. Valejo.*

Juan B. Alvarado, governor ad int. of the department of the Californias:

Whereas, it is, and has become, necessary to give due fulfilment to the law of November 30, 1836, sent in the last mail by the supreme government, for its observance in the department, directing its prompt fulfilment, and that the elections be commenced for the organization of the constitutional system; and desirous, that in conformity to it, there be established the authorities who are to act, I have ordered that, for that object, there be observed in this Alta California the following articles:

1. The constitutional elections will be proceeded with conformally to the law of November 30, 1836.

2. These elections will commence the first Sunday of next month, and will terminate the 3d of the same month.

3. According to the order which the town holds, there will be named an elector for each one of the following: San Francisco, San José, villa of Branciforte, Monterey, Santa Barbara, Los Angeles, and San Diego.

4. In accordance with the foregoing article, the port of San Diego will recognize the city of Los Angeles as the head of the partido, the villa of Branciforte, Monterey, and the frontier of the north of San Francisco the port of that name.

5. This government will place itself in agreement with the political chief, ad interim, of Boja, California, in order that, directing the corresponding elections in these towns, full compliance may be made with what is directed by the laws, and that it may come to the notice of all, I order that it be published by proclamation, and be posted in the usual public places.

JUAN B. ALVARADO.

SANTA BARBARA, *January* 17, 1839.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Doc. H, J, I, No. 11, *annexed to deposition of M. G. Vallejo, taken before Commissioner Thornton.*

El Cindadam Manuel Micheltorena, general de brigada del ejercito Mejicano, arjudante general de la plana mayor del mismi, gobernador, comandante general é inspector departamto. de las Californias.

[SELLO.] Annejue se hem establecido Ineces de paz en los pueblos de este departamento conforme á la ley de 20 de Marzo, de 1837, la que leo da las facultades y-obliguciones que tienen los Arpentamientos pero se oboevá que enlos pis-gados de las Cabeceras de los distritos; ocunen diariamte. asuntos de varias

clases que le impide á los preces dedicarse á las atribriciones que les corresponde por falta de arjuntamts. debienda á mas de esto extinguorse para el año entrante las prefectuias de este departamte. y como sobre el particular ha tenido un acuerdo la Emmā Junta por las facultades que le conseden las bases organicas he dispuesto se ponga en ejecucion la ultima—de elecciones de Arjuntamientos de 27 dr Abril, de 1837. Cajo las reglas sigirientes.

1a. Se procedará á verificai en Monterey y en la Cindad de los Angls. como cabesera de distrito las elecciones para arjuntamiento compuesto cada uno de pimera y segundo alcalde; cuatro regidores y un sindico.

2a. En los Pueblos de San Diego, Sta. Barbara, San Juan Villa de Branciforte, Pueblo de San José, San Franco. y Sonoma se hare elecciones para nombrar dos alcaldes de pimera y segunda nominacion.

3a. En consecuencia el segundo domingo del entrante Diciembro los vecinos de sus respecrivos pueblos nomharan en una se cion siete compromisarios los que se reunirem el vierneg anterior el tercer domingo de Diciembre presididas por la autoridad politioa del lugár á feri de elegir el arjuntrmiento y alcaldes como desponer los articulos anteriores, observandose en la parte necesaria lo que dispono la ley de elecciones de 19 de Junio del corriente año cajo el rubro de elecciones se cundarias y demas articulos de la misma que se em conducentes al intento.

4a. Los Alcaldes pumeros de que hablan estas disposiciones desempeñaran las funciones que les corresponden á los preces de primera instancia en conformidad el dccteto de 15 de Julio, de 1839, como asi mismo se en cargaran de las prefecturas de sus respectivos distritos.

5a. Fl dia primero de Enero del año que entra, tornaron posescion de sus empleos los nuevos nomhrados quienes recibiran de los salientes un inventario exacto de todas los espedientes libros y cuanto halla perteneciente a dichas corporaciones pasan do copia decl al gobierno para pas-corlo á la asamblea departamental.

Ypena que clejue á noticia de todas mando se publique por bando en los pueblos del departamento y se fije en los parages. acostumbrados.

MICHELTA.
MANUEL JUNERIO, *Srio.*

MONTEREY, *Noviembre* 14, *de* 1843.

Filed in office February 15, 1853.
GEO. FISHER, *Secretary.*

Translation of Document H J T, annexed to Deposition of M. G. Vallejo.

Citizen Manual Micheltorrena, General of Brigade of the Mexican army, Adjutant General of the staff of the same, Governor, Commandant General, and Inspector of the Department of the Californias:

[GOVERNMENT SEAL.]

Although justices of the peace have been established in the towns of this Department, in conformity with the law of March 20, 1837, which gives them the powers and obligations which the ayuntamientos have, yet it is observed that in the courts of the chief towns of the districts, matters of various kinds are daily brought, which prevent the justices from dedicating themselves to the duties which correspond to them for the want of ayuntamientos, and moreover the prefectures of this Department having to be discontinued for the coming year, and as the most excellent Junta has passed resolutions on the matter by the powers conferred on it by the organic basis, I have decided the last law for elections of ayuntamientos, of April 27, 1837, be put in force under the following rules:

1st. They will proceed to Monterey and the city of Los Angeles, as chief towns of the districts, the elections for ayuntamientos, composed each one of first and second alcalde four Regideros and one Syndico.

2d. In the Pueblos of San Diego, Santa Barbara, San Juan, Villa de Branciforte, Pueblo de San Jose, San Francisco, and Sonoma, elections will be held to appoint two alcaldes of first and second nomination.

3d. In consequence, on the second Sunday of the coming December, the residents of these respective towns will appoint in one session seven arbitrators (compromarios), who will meet on the Friday preceding the third Sunday in December, presided over by the civil authorities of the place, for the purpose of electing the ayuntamiento and alcaldes, as the foregoing articles direct, observing the necessary part the provisions of the law of elections, of June 19th, of the present year, under the rubric (rubio) of secondary elections and the other articles of the same which may tend to the purpose.

4th. The first alcaldes, of which these dispositions speak, will perform the duties which correspond to the judges of first instance, in conformity with the decree of July 15, 1839, and they will also take charge of the prefectures of their respective districts.

5th. On the first day of January of the coming year, the persons newly appointed will enter upon the duties of their office, receiving from those going out an exact inventory of all the espedientes, books, and whatever there may be pertaining to said corporations, transmitting a copy of it to the government in order to pass it to the departamental assembly,

And that it may come to the notice of all, I order that it be published by proclamation in the pueblos of the department, and it be fixed in the accustomed places.

MONTEREY, *November* 14, 1843.

(Signed,) MICHELTORENA.

(Signed) M. JIMENO, *Secretary.*

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Exhibit No. 12, *to the deposition of M. G. Vallego in* 280, *H. J. T.*

DESION DE SAN EREMCL.

En las elecciones secundarias de estre dia reunidos los cuidadano compromisanos en la salla del pragado á resultado electo de alcalde de premera nominacion para que V. presente el dra pumeio del año de 1845, á fin de prestae el puramento de estilo pa. encargase de la ministracion de justicia de conformidad con los cyes.

To do lo ql. tengo el honor comunicar á V. pa. los fines indicados afrecien dole lossincerros consideraciones, de nuestro aprecio.

Diosy Libertad Sn. Franco, Dbrl 22 de 1844.

FRANCO. GUERRERO, *Presdtl.*
FRANCO. SANCHEZ, *Vice Presdtl.*
JESUS NOÉ, 1*so Sero.*
JUAM N. PADILLA, 2*o Sero.*
CUIDO. JUAN N. PADILLA,
Electo Alcalde de 1*so nominacion.*

Filed in office February 15, 1853.

GEO. FISHER, *Secretary.*

Translation of exhibit No. 12, *to deposition of M. G. Vallego.*

DIVISION OF SAN FRANCISCO.

In the secondary elections of this day, the citizen electors being assembled in the court room, you resulted elected for alcalde of first nomination, that you may appear the first day of the year 1845, for the purpose of taking the customary oath in order to take charge of the administration of justice in conformity with the laws; all which I have the honor to communicate to you for the purposes mentioned, offering you the sincere considerations of our esteem.

God and liberty. San Francisco, December 22, 1844.

(Signed,) FRANCISCO GUERRERO, *President.*
(Signed,) FRANCISCO SANCHEZ, *Vice President.*
(Signed,) JESUS NOE, *First Secretary.*
(Signed,) JUAN N. PADILLA, *Second Secretary.*

Citizen JUAN N. PADILLA,
Alcalde elect of first nomination.

Filed in office May 9, 1854.

GEO. FISHER, *Secretary.*

Doc. H. J. T., No. 13, *annexed to the deposition of M. G. Vallejo, taken before Commissioner H. J. Thornton.*

SRIA DEL GOBIERNO.

Acompaño à V. el bandoql. establece les milicices auxciliares, pevra, que confirme, à el proseda à en complinito y tan luejo como; se con clurje de imprimir los ejemplares correspondtes. del reglamto. que citan los artles. 3 y 5 de ettu bando se mendaña el que corresponda à los poblacion.

Diosy Libertad, Monterey, Julio 7 de 1844.

MANL. JURRERIO.

S. ALCALDE, *de San Franco.*

Filed in office February 13, 1854.

GEORGE FISHER, *Secretary.*

Translation of Doc. H. J. T., No. 13, *to the deposition of M. G. Vallejo.*

OFFICE OF SECRETARY OF GOVERNMENT.

I transmit to you herewith the proclamation which establishes the auxiliary militia, that, in conformity therewith, you may proceed to comply with it; and so soon as the printing of the corresponding copies of the regulation referred to in articles 3d and 5th of said proclamation is furnished, the corresponding one will be sent to that town.

God and Liberty, Monterey, July 7, 1844.

(Signed,) MANUEL GUERRERO.

SEÑOR ALCALDE, *of San Francisco.*

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Doc. HJT, No. 11, *annexed to the depo. of M. G. Vallejo, taken Comr. H. J. Thornton.*

[SELLO.] Hoy di go al Alferez Dn. Juan Prudo Mesa lo siguiente.

Suego que reciba V. esta Orden marchara con doce ò quiee nombre s de la compania de su mando y se presentara al alcalde de 1ª instancia de la Yerba Buena poniendose á su disposicion con el objecto de con tener un desorder ocurrido con mos paisanos haciendo respetar la autoridad de attro alcalde obrando V. con suma jucio y prudencia, y ba jo su responsibilidad.

T. lo transcribo á V. pa su mtel li jen sia recommendandole

semaneje con prudencia y juicio otrando en to do leajo su responcibilidad instruyendo la sumaria correspondiente sobre el hecho á que se contrae el oficio de ct. de 3 del corrte. que contesto dando en enta á este gobro.

Dios y libertad.

MONTEREY, *Mrzo* 11 *de* 1844.

MANL. MICHELTA.

SOR. ALCALDE 1° DE SAN FRANCO.

Filed in office February 15, 1853.

GEO. FISHER, *Sec'y.*

Translation of document HJT, No. 14, *annexed to deposition of M. G. Vallejo.*

[SEAL OF DEPARTMENTAL GOVERNMENT.]

I this day say to the ensign, Don Juan Prudo Musa, the following: So soon as you receive this order, you will march with 12 or 15 men of the company of your command, and present yourself to the alcalde of 1st nomination of Yuba Buena, placing yourself at his disposition for the purpose of restraining a disturbance which has happened with some countrymen, causing the authority of said alcalde to be respected, acting yourself with the greatest judgment and prudence, and under your own responsibility.

And I transcribe to *to* you for your information, recommending that you bear yourself with prudence and judgment, acting in everything under your own responsibility, forming the corresponding summary upon the fact referred to in your official communication of the 3d instant, which I answer disputing to this government.

God and liberty.

MONTEREY, *March* 11, 1844.

(Signed) MANUEL MICHELTORENA.

SENIOR ALCALDE OF SAN FRANCISCO.

Filed in office May 9, 1854.

GEORGE FISHER, *Sec'y.*

Doc. H. I. T., No. 15, *annexed to the deposition of M. G. Vallejo.*

SECRETARIA DEL GOBERNO DE LAS CALIFORNIAS,

Se ha recibido la nota de de fta 9 del corriente en la que acompaña el trubertaria de lo pertene cte. á ese progado y de enterado me ordena contestar el E. el E. S. Gobernador como asi lo uerifica.

Dios y libertad.

MONTEREY, *Enero* 20, *de* 1844.

MANL. JUNENO.

REC. No. 81——25

Sor. alcalde del puerto de San Fremco. cuidadano Gillermo Hinckley.

Filed in office February 15, 1853.

GEORGE FISHER, *Secretary.*

Translation of document H. J. T., No. 15, *annexed to the deposition of M. G. Vallejo.*

OFFICE OF THE SECRETARY OF THE GOVERNMENT OF THE CALIFORNIAS.

Your note, dated the 9th instant, has been received, in which you transmit the inventory of the things pertaining to your court, and his excellency the governor having explained it, orders me to answer it as I now do.

God and liberty.

MONTEREY, *January* 20, 1844.

(Signed,) JIMENO.

Señor first alcade of the port of San Francisco, citizen Guillermo Hinkley.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Doc. H. J. T., No. 16, *annexed to the deposition of M. G. Vallejo, before Commissioner H. J. Thornton.*

SECRETA. DEL DESPACHO DE GOBO.

De orden del Exmo. Sor. Gobernador es adjunto un decreto por ce cual se informara V. los deseos de S. E. y como su ojeto es asegurar de un modo eficas las propiedades de los habitantes del departamento, no duda el gobierno de la ciesta co-operacion de las antoridades respectivas. Al comunicarlo á V. reitero las seguridades de mi aprecio.

Dios y libertad.

ANGELES, *Marzo* 5, *de* 1845.

JUAN BANDINI, *Srio.*

SOR. ALCALDE 1º. *de Sn. Franco.*

Filed in office February 15, 1853.

GEORGE FISHER, *Secretary.*

Translation of document H. J. T., No. 16, *annexed to deposition of M. G. Vallejo.*

OFFICE OF THE SECRETARY OF THE GOVERNMENT.

By order of his excellency the governor, there is annexed a decree, by which you will be informed of the desires of his excel-

lency; and as his object is to insure efficaciously the property of the inhabitants of the department, the governor has no doubt of the certain co-operation of the respective authorities. On communicating it to you I repeat the assurances of my esteem.

God and liberty.

ANGELES, *March* 5, 1845.

(Signed) JUAN BANDINE,
Señor 1st Alcalde of San Francisco.

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

1845.

Inventario de todo lo Aichivado desde la fun dacion del arguntamnto. en 1835 fha. fin del presente ano, y de los demas muebles y existencias de su servicio, &c.; de que yo José de la la C. Sanchez Alcalde saliente; hago entrega al Con. Jesus Noe, Ines de paz 1º. entrante en el que da principio de 1846.

Es lo siguiente.

Doc. H. J. T., No. 17, *annexed to the deposition of M. G. Vallejo, taken before Commissioner H. J. Thornton.*

1. Legajo que contiene lo archivado en 1829, pertenate. á lo civil; entregado pr. la comandte. militar en 1835, con un respectivo Indice.

1. Legajo que contiene lo archivado en 1833, entragade pr. la misma comande mtar. en dho ano con el Indice respectivo de sus contenidos.

1. Legajo con lo archivado en 1834 entregado por la dha comanda con el correspondte Inde. de su contenido.

1. Legajo que contiene lo archivado por el mismo pisgdo. civil en 1835, con el respectivo Inde. de su contenido.

S. con lo archivado en 1836, con su Indice.
1. Idm. Idm. 1837, con su Indice.
1. Idm. Idm. 1838, con su Indice.
1. Idm. Idm. 1839, con su Indice.
1. Idm. Idm. 1840, con su Indice.
1. Idm. Idm. 1841, con su Indice.
1. Idm. Idm. 1842, con su Indice.
1. Idm. Idm. 1843, con su Indice.
1. Idm. Idm. 1844, con su Indice.
1. Idm. Idm. 1845, con su Indice.

Indice per menor de 1845.

S. Paquete con acho comunias. del Gove. Departamental Veinte y un Bamdosy Circulares ; y tres Decretos del supremo Govo.
1. Paquete con 3, comunics. de la prefa. del dioto.
1. Idm. con 5, Idm. de la Sub. Prefa.
1. Idm. con 7, Idm. del Ve. Consulo. Britanea.
1. Idm. con 3, Idm. del Consulo. del E. Udecta.
1. Idm. con 3, Idm. de la Cape. de puerto.
1. Idm. con 4, Idm. de la Sub Resepta.
1. Idm. con 4, Idm. de la Comdea. Mltr.
1. Idm. con 4, Idm. del jusgae. aude. F. Ipre.
1. Idm, con 7, Idm. do Sonoma, Sacramento S. Rafael, y Monterey.
1. Paquete Asuntos de José Anto. Aguirre.
1. Idm. Idm. de D. Eulogio Calis.
1. Idm. Idm. de Vadermon Bennet.
1. Idm. Idm. de D. Benito Dias.
1. Idm. Idm. de Enrique Macuica.
1. Idm. Idm. de Juan Fuller.
1. Idm. Idm. Reconocnto. de Caballadas.
1. Idm. Idm. 3, Solicitudes á la prefecta en tramites.
1. Paquete 24 peticiones de Solares y otras solicitudes pendientes.
1. Paquete con 2 comunicas. del Alclde. 1º. de la jurisder. al 2º. de la misma.
1_0. Litro de Consiliasns. providencs. y Actuaciones judiciales ocurridas en el ano.
1. Cuaderno de Borradores de las comunicacs. y. corresponds. con las autoridades ocurridas en el ano.
1. Cuaderno en 8° Constituan. politica Vigente de la Republica sancionado en 1842.
1. Cuaderno Ley de, de Marzo de 1837.
1. Idm. Aransel, para el Gobo. de jusgads.
1. Plano de la Yerba Buena reformado.

Muebles.

1. Armario que contiene todo lo arriba dho.
1. Mesa midiana con Carpeta de Aenzo deteriorada, y otra Carpeta nueva de pano. Ordo. grano (se escunjo la de aenzo pr. inutil.
1. Tintero de Alquimar.
1. Candelero de laton.
4. Lillas.

Priciones.

1. Candado util.
2. Cadenas.
1. Par de Grillos estan estraviados y se pesquisàra en pasadeu.
Torba Buena Eno 15 de 1846.
Entregué. Recibi.
Por Ausencia del Alcalde. 2°. Dn. José de la C. Sanchez.
J. DE JESUS NOÉ.
Come:
Encargado de justicia qe. fue.
ROBERTO T. RIDDLE.

NOTA. Se agrega á Este Inde una averiguacion instruida con motivo del susdio del S. D. Guillermo V. Rae, que por Alvido se havia pasado inclinilo; y se escluyola carpeta de lienzo avriba dho. por inutil de Orden del prez que se firma recebido.
FRANCISCO DE HARO, *Srio.*

Filed in office February 15, 1853.
GEO. FISHER, *Secretary.*

Translation of Doc. H. J. T., No. 17, *annexed to deposition of M. G. Vallejo, in case No.* 280.

1845.

Inventory of everything filed in the archives since the establishment of the ayuntamiento, in 1845, up to the end of the present year, and of all the furniture and the balance of the stock for the use thereof, &c., which I, José de lu Cruz Sanchez, retiring alcalde, delivered to citizen José Noe, entering Juez de Paz with the beginning of 1846, which is as follows, to wit:

1 bundle containing the papers archived in 1829, relating to civil causes, delivered by the military commander in 1835, with its respective index.

1 bundle containing the papers archived in 1833, delivered by same military commander in the said year, with the respective index of the contents thereof.

1 bundle containing the papers archived in the year 1834, delivered by the said commander, with the corresponding index thereto.

1 bundle containing the papers archived by the said Civil *Juzgudo* in 1835, with the respective index thereto.

Indice per menor de 1845.

S. Paquete con acho comunias. del Gove. Departamental Veinte y un Bamdosy Circulares; y tres Decretos del supremo Govo.
1. Paquete con 3, comunics. de la prefa. del dioto.
1. Idm. con 5, Idm. de la Sub. Prefa.
1. Idm. con 7, Idm. del Ve. Consulo. Britanea.
1. Idm. con 3, Idm. del Consulo. del E. Udecta.
1. Idm. con 3, Idm. de la Cape. de puerto.
1. Idm. con 4, Idm. de la Sub Resepta.
1. Idm. con 4, Idm. de la Comdea. Mltr.
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1845.

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1 bundle containing the papers archived in the year 1834, delivered by the said commander, with the corresponding index thereto.

1 bundle containing the papers archived by the said Civil *Juzgudo* in 1835, with the respective index thereto.

1 containing the files of 1836, with its index.
1 do. do. 1837, do.
1 do. do. 1838, do.
1 do. do. 1839, do.
1 do. do. 1840, do.
1 do. do. 1841, do.
1 do. do. 1842, do.
1 do. do. 1843, do.
1 do. do. 1844, do.
1 do. do. 1845, do.

Index for 1845 *in detail.*

1 package with communications from the departmental governor, twenty-one proclamations and circulars, and three decrees from the supreme government.
1 package with 3 communications from the Prefecto of the Dist.
1 do. 5 do. do. Sub-prefect.
1 do. 7 do. do. British V. Consulate.
1 do. 3 do. do. Consulate of V. of N.
1 do. 3 do. do. Captain of the Port.
1 do. 4 do. do. Sub-reciever.
1 do. 4 do. do. Military commander.
1 do. 4 do. do. Juzgado of San José Guadalupe.
1 do. 4 do. do. Sonoma, S'mto. S. Rafael and Monterey.
1 do. business from José Anto. Aguere.
1 do. do. Don Elajio Celis.
1 do. do. Vandennin Bennet.
1 do. do. Enrique Manuel.
1 do. do. Juan Tulla.
1 do. 3 petitions to the Prefecture pending.
1 do. 14 do. for lots and other petitions pending.
1 do. 2 communications from the 1st alcalde of the jurisdiction to the 2d of the same.
1 book of *Conciliaceons Providencias* and Judicial Acts for the year.
1 *Cuaderuo*, in 8° Political Constitution in force in the Republic, sanctioned in 1842.
1 *Cuaderuo*, Law of March, 1837.
1 do. Rates for the Government of *Juzgudo.*
1 plan of Yerba Buena, remoddelled.

Furniture.

1 desk, containing all the aforesaid.
1 small table, with an old domestic cover and another new one of ordinary cloth; that of domestic excluded as useless.

1 inkstand.
1 brass candlestick.
4 chairs.

Prisiones.

1 serviceable padlock.
2 chains.
1 pair of shackles, which are missing and should be searched for in passing.

YERBA BUENA, *January* 15, 1846.

I delivered in the absence of 2d alcalde José de la Cruz Sanchez, who was commissioner of justice.

ROBERT T. RIDLEY.

I received.

JOSÉ DE JESUS NOE.

NOTE.—There is annexed to this index an examination had in consequence of the succede of Don Guillermo V. Real, which was not included by mistake, and the aforesaid domestic table cover was excluded as useless; by order of the juez there it be signed and received.

FRANCISCO DE HARO, *Scrio.*

A true and correct translation of its original doc. "H. .J T.," No. 17, to deposition of M. G. Vallejo.

Witness my official signature,

GEORGE FISHER, *Secretary.*

Filed in office May 9, 1854.

GEORGE FISHER, *Secretary.*

Affidavit to oppose continuance.

UNITED STATES LAND COMMISSION, } *ss.*
County of San Francisco, }

Case number 81, James R. Bolton, claimant.

John W. Dwinelle being sworn, says: That he is the original attorney of record for the claimant in this matter; that in January or February, 1850, defendant had in his possession a copy of the original grant on file in this case, made by Pio Pico to José Prudencio Santillan in February, 1846, and made use of the same in preparing the petition on file in this case.

That in the month of October, 1850, this deponent prepared the printed pamphlet annexed to the deposition of George W.

Wright in this case, and caused the same to be distributed in the Mission of Dolores, and also distributed the same himself to a large extent in the city of San Francisco, making the matters contained in said pamphlet public and notorious.

That from that time and before that time the pretence on the part of residents at the Mission of Dolores, generally and publicly made, has been that the same grant was simulated, false, forged, and fabricated, and proofs to that effect were accessible and ready, and easily to be produced.

That the petition of the claimant was filed in this cause on the first day of March, 1852; that the petitioner commenced taking his proofs in the case on the first day of May, 1852, and in order to meet the issue at once on the allegation that the grant was simulated, the petitioner resorted to the unusual course of introducing evidence in anticipation to show by positive evidence that the grant was valid, authentic, and entitled to credit in every particular.

That for this purpose the evidence of General Covarrubias was taken on the 1st day of May, 1852, more than two years and a half ago, in which the point was distinctly made and presented that the grant was genuine, and made at the day it bears date.

That from time to time evidence has been taken on behalf of the petitioner to the same point, but that although evidence was introduced as early to this point on the part of the petitioner, no evidence was taken on the part of the defendant on that or on any other point until the 1st day of November, A. D. 1854.

That the law agent is now, and for several weeks last past has been assisted in this case by able counsel employed on the part of settlers on the land claimed, which said settlers have for years been in possession of full notice of the claim above mentioned, and have for years participated in making the above pretences that the said claim was a simulated one.

JOHN W. DWINELLE.

Sworn before me on this 28th November, 1854.

S. B. FARWELL, *Commissioner.*

Filed in office November 28, 1854.

GEORGE FISHER, *Secretary.*

Recorded in Evidence B, vol. 5, page 716.

GEORGE FISHER, *Secretary.*

Affidavit of Law Agent for continuance.

Number 81, James R. Bolton claimant.

J. H. McKime says, on oath, that he is not, as law agent, ready to proceed to trial in the above entitled cause by reason of the ab-

sence of witnesses which he deems material to show the simulated character of the grant upon which the claim in this case is founded, a fact about which much controversy exits.

That a large amount of testimony has been recently taken in the case, and much more remains to be taken; that the magnitude of the case, and the character of the proofs, require much time in preparing for argument, and if the case is heard at this time, the preparation of the case must necessarily be imperfect on the part of the defence.

That this case involves the question whether a Governor of California could grant lands occupied by a mission; that the application based thereon is not made for delay merely, but for the purpose of a full and fair hearing of the case.

J. H. McKUNE.

Subscribed and sworn to before me this 21st day of November, 1854.

ALPHEUS FELCH,
Commissioner.

Filed in office November 21, 1854.

GEORGE FISHER,
Secretary.

Recorded in evidence B, vol. 5, page 699.

GEORGE FISHER,
Secretary.

Affidavit of the Law Agent for continuance.

81, R. Bolton claimant.

J. H. McKune says, on oath, that he is not, as law agent, ready to proceed to trial in the above entitled case by reason of the absence of witnesses which he deems material to show the simulated character of the grant upon which the claim in this case is founded, a fact about which much controversy exists; that a large amount of testimony has been recently taken in the case, and much more remains to be taken; that the magnitude of the case, and the character of the proofs, require much time in preparing for argument, and if the case is heard at this time, the preparation of the case must necessarily be imperfect on the part of the defence; that this case involves the question whether a Governor of California could grant lands occupied by a mission; that the application based hereon is not made for delay merely, but for the purpose of a full and fair hearing of the case.

J. H. McKUNE.

Subscribed and sworn to before me this 21st day of November, 1854.

ALPHEUS FELCH, *Commissioner.*

Filed in office Nov. 21, 1854.

(Signed) GEORGE FISHER, *Sec'y.*

Affidavit of U. S. Law Agent.

Number 81, James R. Bolton, claimant.

J. H. McKune, U. S. Law Agent says, on oath, that upon examination of the evidence in this case, preparatory to argument, he deems it necessary to recall José Maria Covarrubias, to obtain from him all the facts relative to the issuance of the grant filed in this case.

That one question in the case will be whether the grant is simulated, concerning which there is much conflicting evidence, and more will be taken.

That he has caused a subpœna to be issued for said Covarrubias in this case, and addressed it to Edward Hunter, merchant of S. D., California; returnable on the 20th day of December next.

That said witness resides at Santa Barbara; that affiant did not determine that it would be necessary to re-examine said Covarrubias till the 20th instant, and that he issued the subpœna on the 21st instant.

Affiant believes that the attendance of the witness could be had at the return day of said subpœna, as a sufficient time will elapse by the 20th of December next.

J. H. McKUNE.

Subscribed and sworn to before me this 28th day of November, 1854.

ALPHEUS FELCH,
Commissioner.

Filed in office November 28, 1854.
GEORGE FISHER, *Secretary.*

Recorded in evidence B, volume 5, page 716.
GEORGE FISHER, *Secretary.*

Stipulation on part of Claimant.

J. R. BOLTON,
vs.
THE UNITED STATES. } No. 81.

It is hereby stipulated on the part of said claimant, that the exhibits in case No. 280, numbered from one (1) to eighteen, excluding 4 and 18, may be filed in this case, the proof of the genuineness of said documents being hereby expressly waived, the said claimant reserving all objections to the legal offsett of said documents as evidence.

Thornton, one of the counsel for claimant for case No. 81 for the rest of the counsel; John W. Dwinelle, attorney and counsel of record.

J. H. McKUNE,
U. S. Law Agent.

Filed in office March 8, 1855.
(Signed) GEORGE FISHER, *Secretary.*

Stipulation of the Law Agent.

JAMES R. BOLTON, *vs.* UNITED STATES. } No. 81.

It is hereby stipulated on the part of the Law Agent, that the deposition of M. T. Vallejo, on file in case number 280, may be filed in said case number 81, and that a certified copy of the decree of confirmation rendered in said case number 280 may also be filed in said case number 81, the said law agent reserving all objections to the legal effects of said documents as evidence.

J. H. McKUNE,
U. S. Law Agent.

Filed in office March 8, 1855.
GEORGE FISHER, *Secretary.*

X. P. L.—*Exhibit to deposition of M. G. Vallejo, Nov.* 20, 1854.

Gobierno Politico de la Alta Califa., Comanda. Genrl. de la Alta Califa.

Esta gobierno satisfecho del celo y actividad que caracterizan á V. asi como del patriotismo que le anima, ve en su nota official de 24 del proximo pasado Octubre, una nueva prueba de su anhelo por el progreso y de sus incansables esfuerzos por la ilustracion de su paiz y de sus concindadanos. En tal virtud, se complace en poner en conocimiento de V. que de acuerda con la E. T. adoptado en su totalidad el plan que V. ha presentado en su citado con respeto al pueblo de S. Francisco, declarando ser un linderos los mismos que V. espresa en su dicha nota, esto es: Comenzando desde la pequeña caleta al E. de la fortaleza, siguiendo la line trazada por V. hasta la playa dejando al N. la casa mata y fortaleza; de alli siguiendo la orilla de dicha playa hasta la Punto de Lobos por su parte meridional de alli siguiendo una linea recta hasta la cumbre del devisadero, continuando dicha linea acia el E. hasta la Punta del Rincon abrazando los Cañutales y el Gentil; Dicha linea terminara dentro de la bahia de la Mision de Dolores cuyo estero servira de limite

natural entre la jurisdiccion municipal de su pueblo y la repetida Mision de Dolores. Este gobierno en prueba de la confianza que le imponen sus servicios ha dispuesto que V. sea el que tenga el honor de instalar el primer ayuntamiento en este pueblo de S. Francisco por el que V. ha hecho ya tanto. En consequencia procedera a V. en el tiempo y modo prevenido por las leyes á la eleccion de las autoridades municipales pa. que queden instalados el dia 1°. de Enero del año entrante de 1835, destinando para casa consistorial los edificios que V crea mas aproposito.

Dios y Libertad.

MONTEREY, *Noviembre* 4, *de* 1834.

(Firmado) JOSE FIGUEROA.

DN. MARNO. G. VALLEJO,
Sor. Comdte. Militar de S. Francisco.

Translation.

POLITICAL GOVERNMENT OF UPPER CALIFORNIA, }
General Commandancio of Upper California. }

This government, satisfied of the zeal and activity which characterize you, as well as the patriotism which animates you, sees in your note of the 24th of October ultimo a new proof of your desire for progress, and of your untiring efforts for the enlightenment and greatness of your country and of your fellow citizens.

In consideration of this, it takes pleasure in making known to you that, with the consent of the Most Excellent Territorial Deputation, it has adopted entire the plan you have presented in your note referred to, with respect to the pueblo of San Francisco, declaring its boundaries to be the same which you describe in said note; that is, commencing from the little cove (Caleta) to the east of the fort, following the line drawn by you to the beach; leaving to the north the *Casamata* and fortress; thence following the shore of said beach to Point Lobos on its southern part; thence following a right line to the summit of "*El Divisadiro,*" continuing said line towards the east to "La Punta del Rincon," including the "Canutales" and "El Gentil;" said line will terminate in the bay of the Mission of Dolores, the Estuary (Estero) of which will form a natural boundary between the municipal jurisdiction of that pueblo and the said Mission of Dolores.

This government, as a proof of the confidence with which your services inspire it, has directed that you should be the person to have the honor of installing the first ayuntamiento in that pueblo of San Francisco for which you have already done so much.

In consequence, you will proceed, in the time and manner prescribed by law, to the election of the municipal authorities, in

order that they may be installed the first day of January, of the coming year, 1835, designating for town houses the buildings which you may deem most fit.

God and liberty.

JOSÉ FIGUEROA.

MONTEREY, *November* 4, 1834.

Don. MARIANO G. VALLEJO,
Military Commandant of San Francisco.

A true copy.

ZAMORANO.

Filed in office.

GEORGE FISHER, *Secretary.*

Document marked J, W, N, annexed to the deposition of Pio Pico, taken and filed in case No. 94 *on the docket of the Board.*

J, W, No. 1.—*Depo. Pio Pico.*

Pio Pico, Gobernador Constitucional de el Departameto de Californias:

[SELLO.] Por cuanto Dn. José Andrade Mejicana ha solicitado para su beneficio personal untenem de seis ceintas varasen enadro situado al fiente de la Mision de San Francisco de cecis que ahasa desde la Huerta hasta parsada la Curtidiena; practicadas previamente las diligencias que han sido necesarias, usando de las facultades con que me hallo autorisado por el supremo Gobierno á nombre de la nacion Mejicana, he venido por decreto de este dia en concederle el espresado teneno declarandole la propriedad de el en virtud de las presentes letras, con aneglo á la ley de 18 de Augostode, de 1824, y reglamento de 21 de Noviembre, de 1828, á reserva de la aprova cien de la Exma. Asamblea Departamental y bajo las condiciones sijuientos:

1°. Podra cercarlo sin perjudicar las travecias caminos y servidumbres lo disputará libre y esclusivamente destinandolo al uso y cultivo que mas le convenga.

2°. Solicitara del prez respectivo la posicion juridica en virtud de este despacho por el cual se le demarcaran los linderos con las respectivas mojoneras.

3°. El trenem de que se hace donacion esde scis cientas varas en cuadro y es el que ocupa la mision de San Francisco con una huerta de arboles frutales y la curtiduria. El juez que le diere la posecion lo hara medei con arreglo á ordenanza y á vista de el diseño que presentará el interesodo.

En consecuencia memdo que teniendose el presente titulo por forme y valedero se torne razon de el en el libro que corresponde y se le entregue al interesado para su resguardo y demas fines.

Dado en la Ciudad de los Angeles en papel comun por no haber sellado á seis de Marzo de mil ochocientos cuarentra seis.

(Signed) PIO PICO,
(Signed) JOSÉ MAJRAS MORENO,
Siro. Into.

Queda tomada razon de este superior despacho en el libro respectivo.

(Signed) MORENO.

En la Ciudad de los Angeles en el Departamento de California á los nueva dias del mes de Ogosto de mil ochocientos cuarenta y seis. Ante mi el inpascrito prez pumien interrin comparecio Don José Andra de á quien doyfé conoseo y dijo que por la presente otorga quevende y da en venta real y en agenacion perpetua al Sr. Don Abel Stearns y á los surjos el sitio que consta en el antecedente titulo situado al pente de la Mision de San Francisco de asis y consta deseis cientas varas en cuadro curja ventra la hace por la candidad de cien pesos qe. tiene recebidos á su satisfacion, declarando que el repedido sitvo este abra de todo gravamen y que sera cierto y segun al comprador de lo cual sale responsable. Y á la formeza de lo referido obliga su persona y brenes presentes y futuros y con ellos sesornete al fuero de los señores fueces qe. en esta negocio devan conocer para qe. lo apremien á su complimento como por sentencia definitiva dejuez complemente pasada en autoridad de cosa juzgada consentida y sin masrecurso; en cuyo testimonio asi lo ortorgo y formo conmigo y los de asistencia segun derecho. no hay papel sellado.

(Signed) LEONARDO COTA,
JOSÉ ANDRADE.

Ass: (Signed) IGNO. CORONEL.
MANUEL DOMINGUEZ.

I, George Fisher, secretary to the Board of the United States Land Commission for ascertaining and settling private land claims in the State of California, do hereby certify that the foregoing is a true and correct copy of a Spanish document exhibited and filed in this office on the 27th day of September, 1852, in case No. 94 on the docket of the said board, which said document forms part of the archives of the same now under my charge as such secretary.

San Francisco, this 28th day of October, A. D. 1854.

GEORGE FISHER,
Secretary.

Filed in office October 28, 1854.

GEORGE FISHER,
Secretary

Translation of certified copy marked J. W., No. 1, annexed to deposition of Pio Pico in No. 94.

Pio Pico, Constitutional Governor of the Department of Califor-
[L. S.] nias:

Whereas Don José Andrado, a Mexican, has petitioned, for his personal benefit, a tract of land six hundred varas square, in front of the Mission of San Francisco de Asis, which embraces from *Huerta* to beyond the *Curtidiena;* the necessary proceedings having been had, in the exercise of the powers with which I am vested by the supreme government, in the name of the Mexican nation I have concluded by a decree of this day to grant him the aforesaid tract of land, hereby declaring unto him the ownership thereof, in conformity with the law of the 18th of August, 1824, and the regulation of November 21, 1828, subject to the approval of the most excellent departmental assembly, and under the following conditions:

1st. He may enclose it without prejudice to the crossings, roads, and sevitudes; he shall enjoy it freely and exclusively, appropriating it to the use and cultivation he may deem proper.

2d. He shall solicit of the respective Juez the juridical possession in virtue of this title, by which the boundaries shall be marked out with the proper land mark.

3d. The land hereby granted is six hundred varas square, and is that which the Mission of San Francisco occupied with an orchard and tannery.

The Juez who shall give him the possession shall cause it to be measured according to ordinance, and with reference to the *diseño* which the grantee shall furnish.

Therefore, the present title being held as firm and valid, I order it to be entered in the proper book, and that this be delivered to the grantee, for his security and other purposes.

Given in the City of Los Angeles, on common paper for the want of stamped, on the sixth day of May, one thousand eight hundred and forty-six.

(Signed) PIO PICO.
(Signed) JOSÉ MATIAS MORENO,
Secretary.

Entry is made on this superior *despacho*, in the proper book.
MORENO.

In the city of Los Angeles, Department of Californias, on the ninth day of the month of August, one thousand eight hundred and forty-six, before me, the undersigned, First Juez *ad interim*, came Don José Andrado, to me known, and declared that by these presents he sells and gives in real sale and perpetual alienation to

Don Abel Stearnes, his heirs, and assigns, the place described in the foregoing title, situated in front of the Mission of San Francisco de Asis, and is six hundred varas square, for and in consideration of the sum of one hundred dollars, the receipt whereof to his satisfaction he hereby acknowledges, declaring the said place to be free from every incumbrance, and that it shall be certain and secure to the vendee, whereof he constitutes himself responsible; and for the fulfilment of the foregoing he binds his person, his present and future property, and therewith submits himself to the authority of the Jueces who in this cause should take cognizance, that they compel him to the fulfilment as by a definitive sentence of a competent Juez, given in *res judicata*, consented to and [*and*] without appeal.

In testimony whereof, he thus executed and signed with me and two assisting witnesses, according to law.

(Signed) LEONARDO COTA,
(Signed) JOSÉ ANDRADO.

Assisting witnesses:
(Signed) YGO. CORONEL,
(Signed) MANUEL ENRIQUEZ.

I hereby certify the foregoing to be a true and correct translation of a document in case No. 94, marked J. W., No. 1, and annexed to the deposition of Pio Pico, &c.

Witness my official signature this 27th day of September, A. D. 1852.

(Signed) GEO. FISHER, *Secretary.*

Deposition of M. G. Vallejo, in No. 280.

SAN FRANCISCO, *February* 11, 1853.

On this day, before Commissioner Harry J. Thornton, came Mr. G. Vallejo, a witness on behalf of the claimant, city of San Francisco, petition No. 280, and was duly sworn, his evidence being given in English.

Questions by claimant's counsel.

Question 1. What is your name, age, and place of residence?

Answer. My name is Mariano G. Vallejo; my age is 45 years; I reside in Somoa, and have lived in California all my life.

Question 2. What office did you hold in 1834, 1835, and 1836?

Answer. I was at that time commandant of San Francisco, and of the northern frontiers of California.

Question 3. Examine the document now here shown to you, filed herewith, and marked Exhibit No. 1, and say whether you are acquainted with the handwriting of Governor Figueroa, signed thereto; and if yea, whether his signature thereto is genuine or

not, and state further what you know in regard to that document?

Answer. I have examined the said exhibit, and am well acquainted with the handwriting of Figueroa, signed thereto, having often seen him write, and have no doubt that his signature thereto is genuine. This document was transmitted regularly to me, and received officially, with others, for my instruction and guide in the discharge of my duties.

Question 4. Examine the document marked Exhibit No. 2, and filed herewith, and say whether you are acquainted with the handwriting of Francisco de Haro, Francisco Sanchez, Joaquin Castro, and Juan Miranda, whose names are attached to said document; and if yea, state whether their signatures in and upon said document are their genuine signatures.

Answer. I have examined the said Exhibit No. 2, filed herewith; am acquainted with the handwriting of the persons named in the interrogations, and whose signatures are made on said document, having often seen them write, and say that their signatures where they occur thereon are genuine.

Question 5. Do you, or not, know whether the election of officers, as stated in this last above named document, took place?

Answer. The election of officers, as stated in said document took place.

Question 6. Examine the document now shown to you, marked Exhibit No. 3, and filed herewith, and say if you are acquainted with the handwriting of Francisco de Haro and Francisco Sanchez, signed to said document; and if yea, state whether their signatures thereto are genuine.

Answer. I have examined the document marked Exhibit No. 3, filed herewith, and am acquainted with the handwriting of the persons whose names are signed thereto, having often seen them write, and their signatures thereto are genuine.

Question 7. State if you know whether or not the election of officers referred to in this last named document took place as stated.

Answer. I know that said election took place as stated.

Question 8. State whether or not a municipal organization of the pueblo of San Francisco was continued to the time of the occupation of the country by the United States from the period of the elections above mentioned.

Answer. There was a municipal organization of the pueblo of San Francisco during the whole period above indicated.

Question 9. In the papers received by you from Governor Figueroa, in 1834, was there any one designating the boundaries of the pueblo of San Francisco?

Answer. There was a paper received by me from the governor for those purposes.

Question 10. Examine the document now here shown to you,

marked Exhibit No. 4 to this deposition, and say whether it is a true copy of the original received by you, as stated in your last answer written above.

Answer. I have examined the said paper marked Exhibit No. 4 to this deposition, and, according to my best recollection, it is a copy of the document received by me, as above stated.

Question 11. State if you know where the original of this document No. 4, referred to, now is.

Answer. I do not know where it now is, if it be in existence. I put it among the archives of the pueblo, as I did other documents of that character.

Question 12. Did you, or not, ever receive or have in your possession a copy of the original, referred to as Exhibit No. 4, certified by Agustin Zaimano, the secretary of the government under Governor Figueroa?

Answer. I did have in my possession a copy of the said original document referred to in my last answer, certified by the said Secretary Zaimano, as secretary of the government under Figueroa.

Question 13. Do you, or not, know what has become of that copy so furnished to you?

Answer. I think I have that copy among my private papers.

Question 14. Have, or not, your private papers, among which this certified copy should be, been in the hands of Raymond de Saldo at any time within the three last months?

Answer. I believe they have been in his possession within that time.

Question 15. Has, or not, the said De Saldo a portion of your papers (private) now in his possession?

Answer. I think he has not. I think he returned all my papers.

Question 16. Did you, or not, mark out the boundaries of the pueblo of San Francisco according to the boundaries described in document Exhibit No. 4 to this deposition?

Answer. I did, before the time of receiving the said document, proceed to mark out the boundaries, and sent down to Monterey an espediente thereof, and they were established by me within two weeks after the date of the said despatch Exhibit No. 4.

Question 17. Do you remember any who were present with you at the marking out and establishing of these pueblo boundaries? and if so, name them.

Answer. There were present, that I remember, Francisco de Haro, José Sanchez, and Francisco Cozeres Juan Miranda; there were many others whose names I do not recollect, and those that I do remember are now all dead.

Question 18. Have you, or not, such a recollection of the boundaries established by you as that you could now describe them and point them out?

Answer. I have such recollection that I could point them out

on the ground; and all the boundaries made, in fact, are, on reflection, not named in the copy Exhibit 4 to this deposition.

Questions by the United States law agent:

Question 1. What extent of territory was comprehended in the partido of San Francisco under the jurisdiction of the ayuntamiento?

Answer. The partido comprehended the country on this side of the bay as far as Las Pulgas, and on the other side of the bay the rancho of the Perodtus and Pinole. The jurisdiction of the ayuntamiento extended only to the limits of the pueblo; the partido was under the jurisdiction of civil alcaldes.

Question 2. Did the inhabitants of all these territories take part in the election of the whole ayuntamiento of San Francisco?

Answer. The greater part of the inhabitants of the partido lived in San Francisco and voted there.

Question 3. Did any of the persons who voted as electors for the ayuntamiento of San Francisco live out of the limits of the pueblo?

Answer. All lived in San Francisco, except Joaquin Castro, and I don't know whether he did or not.

Question 4. Did the ayuntamiento of San Francisco exercise jurisdiction over all the partido?

Answer. No, sir, it did not.

Question 5. How long did the ayuntamiento of San Francisco subsist?

Answer. I do not recollect.

United States law agent present.

M. G. VALLEJO.

Subscribed and sworn to before me, this 11th of February, 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office February 11, 1853.

GEO. FISHER, *Secretary.*

SAN FRANCISCO, *February* 13, 1853.

On this day, before Commissioner Harry J. Thornton, again came M. G. Vallejo, a witness on behalf of the claimant, city of San Francisco, petition No. 280, and in continuation of his deposition given February 11, 1853, before the said commission, being duly sworn, testified as follows, his evidence being given in English:

Examination continued of the same witness by the claimant:

Question. Examine the papers now shown to you, marked numbers 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and filed herewith as exhibits, and say if the signatures of José Figueroa, José Castro, Nicolas Guetirez, Francisco de Haro, Francisco G. Palamares, Francisco Sanchez, Antonio Maria Piralta, J. de la Cruz Sanchez, Ignacio Martinez, Juan B. Alvarado, Manuel Micheltorena, Man-

uel Jimeno, Jesus Noe, Juan N. Padilla, Juan Bandini, and Robert T. Ridly, are genuine or not?

Answer. I have examined all the papers which are marked as above interrogatory, and to be attached hereto; I am acquainted with their handwriting, having seen them write; and say that their signatures, respectively, where they appear in and upon said marked paper, are their genuine signatures.

Question 2. Was there, or not, a town on the present site of the city of San Francisco on the 7th day of July, 1846, and on the 3d day of March, 1851?

Answer. There was a town on the present site of San Francisco on the 7th July, 1846, and there was, on the 3d of March, 1851, a town on that site called San Francisco.

Question 3. Have you, or not, in your possession now the paper referred to in your deposition above taken, mentioned in your answer to question 12th?

Answer. I have the paper now in my possession which was referred to in my deposition as above mentioned, which is now here by me produced to be attached to this deposition, and marked Exhibit No. 18.

Question 4. Is, or not, the signature of Zanmano, if you know it, his true and genuine signature to the said Exhibit No. 18?

Answer. I am acquainted with the handwriting of said Zanmano, having seen him write, and say that in Exhibit number 18 is his genuine signature.

Question 5. Has, or not, this document referred to, Exhibit 18, been in your possession ever since about the period of its date?

Answer. I was in possession of it, except at the Bearo revolution, as it is called, in 1846; it, with my other papers, was taken from me and retained until after my own release; I think my papers were not returned to me until early in the year 1847, by Lieutenant Revere, of the United States navy, (corner torn off.) The paper now presented by you, and marked, as above, Exhibit No. (corner torn off,) knowledge and belief, a true copy of the original, (torn off,) Governor Figueroa, and delivered over by you, (torn off,) of the Pueblo de Haro.

Answer. I have no hesitancy in saying that it is.

Question. Does, or not, this paper, Exhibit 18, contain a true statement of the boundaries of the pueblo, as marked out by you?

Answer. It does contain the boundaries as they were established by me.

Cross-examined by the United States law agent.

Question 1. When an ayuntamiento was elected for the pueblo of San Francisco, were any other alcaldes elected for the portions of the partido of San Francisco out of the limits of the pueblo?

Answer. I do not recollect.

M. G. VALLEJO.

Sworn and subscribed before me, this 15th day of February, 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office February 15, 1853.
GEORGE FISHER, *Secretary.*

Notice of Substitution.

J. H. McKUNE, Esq.,
U. S. Law Agent:

SIR: As I am the attorney of record for the petitioners in the case of James R. Bolton *vs.* The United States, (No. 81,) pending before the U. S. commission for determining private land claims in the State of California, and am about to be absent from the State of California for several months, you will please, until further notice, make service of all papers which it may be necessary to make on your part on said claimant in that case, upon Harry J. Thornton, esq., of San Francisco, who will represent the said claimant in that behalf.

Dated June 14, 1855.

Yours, &c.,
JOHN W. DWINELLE.

I hereby admit service of a copy of the within notice this day.
Dated June 5, 1855.

McKUNE, *Law Agent.*

Filed in office June 15, 1855.
GEORGE FISHER, *Secretary.*

UNITED STATES LAND COMMISSIONER.

81. *Deposition of José Matias Moreno.*

On this 30th day of November, A. D. 1854, appeared before R. Aug. Thompson, commissioner, José Matias Moreno, a witness on behalf of the claimant, and, being sworn, said witness deposed as follows, in Spanish, which was interpreted by the interpreter to the board of commissioners in San Francisco, California, to wit:

Volney E. Howard, and J. W. Dwinelle and J. J. Williams, esqs., attorneys for claimant, and H. S. Brown, esq., for the United States law agent.

In answer to question, witness states that his name is José Matias Moreno, his age thirty-six years, and his residence San Diego, California.

Question by claimant's counsel:

Question 1. What office, if any, did you hold under the Mexican government in California; when did you enter upon the duties of that office, and how long did you continue in the same?

Answer. I held the office of secretary of the government in California under Gov. Pio Pico; I entered on the duties of the said office on the 1st of May, 1846, and continued to exercise its functions until I left Los Angeles, with Gov. Pio Pico, for Mexico, which was about the 10th or 11th of August, 1846.

Question 2, by same. Whilst acting in that capacity, did you ever see a paper purporting to be a petition of José Prudencio Santillan, for a grant of the land of the ex-Mission of Dolores, or any other paper in relation to said grant?

(Objected to on the part of the United States as leading.)

Answer. I never did.

Question 3, by same. Among the papers in your office, did you ever see a grant for said mission land, or any papers relating thereto?

Answer. I have no recollection of having seen any such grant or papers relating thereto; all I recollect is that I saw the name of Padre Santillan in the book in which the note of titles was taken.

Question 4, by same. Under what circumstances did you see said name, and why was your attention called to it?

Answer. It was on the last page of entries made in said book when I received it upon entering on the duties of the office, and it was from that circumstance that my attention was called to it.

Question 5, by same. Is that the only paper that you ever saw in relation to a grant to said Santillan?

Answer. I never saw any such paper, or, if I did, I have no recollection of it; I only saw the name of Santillan in the book, and I do not know whether it was in relation to a grant or not.

Question 6, by same. Did the book of which you speak contain any records other than a registry of titles?

Answer. It contains nothing but the notes which were taken of titles.

Question 7, by same. How long was it after Covarrubias ceased to act as secretary that you were appointed in his place?

Answer. Covarrubias left for Mexico in from the 12th to the 15th of February, 1846, and the governor was without a secretary until I was appointed on the 1st of May following.

Cross-examined in behalf of the United States:

Question 1, by Mr. Brown. Did you ever hold the office of secretary before the 1st of May, 1846?

Answer. I never did in California.

Question 2, by same. Did you, as secretary, have charge of the petitions, espedientes, and other papers, in reference to said titles?

Answer. I not only had charge of these papers, but all the public archives of the government.

Question 3, by same. Whose duty was it to lay before the departmental junta, for their approbation, the grants made by the governor?

Answer. It was the duty of the interested party to present his grant to the departmental assembly for its approval, and of the governor to lay the espediente before that body. The governor generally sent the espediente to the assembly at the request of the party.

Question 4, by same. Was it not the custom for the secretary to send the espediente to the assembly?

Answer. The secretary sent them by order of the governor.

Question 5, by same. Did you ever, while acting as secretary of California, send to the departmental assembly any espediente granting lands to Prudencio Santillan?

Answer. I never sent any such espediente.

Question 6, by same. State the full name of Santillan, as written in the book, as stated by you?

Answer. It was written Prudencio Santillan.

Question, by same. Was it not José Prudencio Santillan?

Answer. It was eight or nine years ago, and I do not recollect.

Question 7, by same. Did you ever see before the paper now shown you, marked "A, P, L," "exhibit to the deposition of José S. Berreyesa, November 11, 1854."?

Answer. I have no recollection of ever having seen it before.

Question 8, by same. Did you not go to the office of the secretary of this board for the purpose of seeing said paper, and did you not then see it a few days.

Answer. I came to the office to see some espedientes, in which I felt an interest; I then saw several papers, but I do not know if this was among them.

Question 9, by same. Do you not distinctly recollect seeing this paper, and, after seeing it, did you not state in the presence of third persons that you had seen this before; that you had had it in your possession, up to the time of the occupation of the country by the American troops, under the direction of the governor, Pio Pico, who had instructed you not to send or deliver the same to Santillan, or words to that effect?

Answer. I do not reveal any private conversations to any body. Propositions were made to me to buy me to state things which I did not know. I am a poor man, but there is not money enough in California to buy me to say that which is not true.

Question 10, by same. Examine the paper mentioned in cross-interrogatory number 7, and state whether you did not have the same in your possession from the 1st May, 1846, up to the time of the occupation of California by the American troops?

Answer. I never had it in my possession.

Question 11, by same. Were you not instructed by Pio Pico to retain a grant that had been made out for Santillan, and not to deliver it?

Answer. I do not recollect anything about it.

Question 12, by same. Have you, within two weeks past, here in San Francisco, stated to any person or persons that Pio Pico did so direct you, and that you did so retain said grant, or words to that effect?

Objected to by claimant's counsel.

Answer. About that time propositions were made to me which would be sufficient to induce a man who was capable of being brought to give evidence against this title; literally, to fascinate the heart of a man who was capable of being bought to give evidence against this title.

Mr. Brown repeats and desires an answer to the question.

Witness states that propositions were made to him to induce him to answer the question as to whether Pio Pico had so instructed him or not.

Mr. Brown again requires an answer responsive to the question.

Answer. I never did so state; but was requested or advised to do so, and propositions were made to induce me so to state; and I never expected that private conversation of that nature would come to be disclosed in so reputable a place as this.

Question 13, by same. Look again at said document, and state if, within the last thirteen days, you have not seen it in the office of the secretary of this board, and if you did not then and there, in the presence of one or more persons, say: I have seen this paper before; it was in my possession in the year 1846, or words to that effect?

Objected to by claimant's counsel.

Answer. I did not; I came to the office about a week ago to examine some espedientes, and if I saw this paper I did not say a word about it.

This deposition, commenced by me November 30, 1854, and continued until 10 o'clock December 1, 1854, to be concluded before Mr. Commissioner Lott.

R. AUG. THOMPSON, *Commissioner.*

Question 14. Look again at said document, and state whether you know what it purports to be, and state whether said document was not positively examined by you a few days since in the office of the secretary of this board?

Answer. I know the import of the paper I examined at the office of the Secretary a few days since, which I did not yesterday reveal or disclose, because I had given my word that I would not disclose anything of my having any knowledge of said document.

(The witness, before the foregoing last question was propounded to him in Spanish, but after the document was handed to him and

he examined it carefully, said: "before answering a question about my knowledge of this paper, I wish to state that yesterday there seemed to be some excitement about my testimony on this point, and I refrained from disclosing then what I knew, because of my anxiety to avoid any breach of private confidence; but, to say the truth, I did see the document in the secretary's office of this commission and examined it sometime since. It is contrary to my feelings to be disclosing matters which have occurred between myself and others in confidence, but I feel compelled to do so in this case, and propositions have been made to me to testify against this grant that would almost tempt any one to avail himself of them.")

PETER LOTT, *Commissioner.*

Question 15. Did you not yesterday, in your examination, positively state that you had never seen the said document before?

Answer. I stated that I never had seen it in the office of the governor of California, and that I did not know whether it was the one I had seen in the office of the secretary of this commission. I did not say positively that I had never seen it, but that I did not recollect whether it was the same I saw in said secretary's office, and I have now this morning given my reason for having so stated.

Question 16. Did you not recollect as well yesterday of having seen said document in said secretary's office as you now do?

Answer. Yes; I recollected yesterday as I now do, and for that reason I have said what I have this morning.

Question 17. Who was with you in the secretary's office of this commission when you examined said document?

Answer. I was there alone; and there was no one in the room but a clerk (Mr. Mahan, the interpreter, now interpreting in this deposition). I asked him for the espediente in the case of Padre Santillan; he (the clerk) said there was no espediente there in that case, but that this was the only document there, and he handed me the document now before us.

Question 18. How long since this occurrence took place?

Answer. I do not remember the day, but I think it was last week.

Question 19. How did you happen to ask for said paper?

Answer. I was here for the purpose of examining espidentes in the cases, and I called for this one because I had a wish to see it also.

Question 20. Did you not go to the office of the secretary of this board on more than one occasion for the purpose of examining this paper?

Answer. I had been there once before for the purpose of seeing this and some other papers, but I did not then see it there, and I never saw it but the one time in said secretary's office.

Question 21. Who came with you to said office on the first occasion?

Answer. I was not in company with any person. There was a large man, whom I did not know, who could not speak Spanish, who went up to the office at the same time, and if he was intending to accompany me I did not know it.

Question 22. Did you on that first occasion go to said office by any appointment?

Answer. No; I had no agreement or appointment to go there at that time, or with reference to this case.

Question 23. What became of the books and documents in your custody when the Americans took possession of the country?

Answer. They were, by order of Governor Pio Pico, packed up in boxes, and placed in the house of Don Luis Vignes, in Los Angeles.

Question 24. Have you not within the last few days said, in the presence of one or more persons, that this same document, about which you have been testifying, purporting to be the grant in this case, was placed by me in a box or trunk at the time the Americans took the country, and left at the house of said Vignes, and that it (the box) was subsequently taken by an American called Captain Gillespie, or have you not used language to that effect?

(Question 24 objected to by claimant's counsel.)

Answer. No; I have not said anything of that kind.

Question 25. Was not said document, in said box, placed at said Vignes' house?

Answer. Of this document I knew nothing till I saw it here a few days since.

Question 26. Have you not, within the past few days, in the presence of one or more persons, stated that when you entered upon the duties of the office of secretary you found this grant in said office, that you took it to Pio Pico, and asked him if he was not aware that Santillan was a priest, and not entitled to hold lands; that Pio Pico replied that he had been very much annoyed by letters from Santillan in reference to this mission, and that he (Pico) had finally ordered Ceravinbino to draw up the grant. Did you not also state that Pio Pico then told you not to deliver the grant, but lay it aside, as it would serve as an excuse in case other parties petitioned for the land, or did you not state in substance and meaning some words to this effect, and also that you did so lay said grant aside?

Answer. I have said nothing of all this to any person or persons, nor have I seen the title before I saw it here.

Question 27. Who first talked with you about coming to give testimony in this case?

Answer. He was an American. I do not know the man nor his name.

Question 28. Can you describe him?

Answer. I cannot. He came to my room at night. I was not well, and gave but little attention to him. It was at the San

Francis Hotel, I think last week. I am a very bad hand to remember strangers. My friends often complain of my deficiency in this respect.

Question 29. How often have you since conversed with that same person with reference to your coming here to testify?

Answer. The same person came to my room twice, and it may be three times; and I do not remember seeing him anywhere since. If I have seen him I did not recognize him.

Question 30. Did this man wish you to testify on behalf of the claimant or on behalf of the government?

Answer. He made me propositions to testify against the title, and made me handsome promises if I could so testify as to destroy the title.

Question 31. What offers did he make you?

Answer. He offered to me that, if I would break down the title, I should immediately receive ten thousand dollars.

Question 32. Did that man speak Spanish, or had he an interpreter?

Answer. He had no interpreter; he spoke bad Spanish, but our conversation was in the Spanish language.

Question 33. Did you ever see this man before he visited you in your room?

Answer. I do not remember to have seen him before, and I recollect he said to me that he had never seen me before.

Question 34. Who introduced him to you?

Answer. He introduced himself to me; and if any person told him who I was, I did not know it.

Question 35. When did he first make you this offer of ten thousand dollars?

Answer. From the first time I saw him he made me this proposition.

Question 36. Have any other persons besides this man talked to you about coming here to testify against the said title? if yea, what persons?

Answer. No other person has spoken to me about testifying against the title.

Question 37. What did this man wish you to testify to?

Answer. He told me if I could invent any means to defeat the title, he would pay me the money; I do not remember that he specified any particular fact that he wished me to swear to; his proposition was a general one, that if my testimony would prove the invalidity of the title, I should be paid, as I before stated; and this was the substance of our conversations.

Question 38. What answer did you make to his proposition?

Answer. I told him that his proposition was a very tempting one, but that I did not feel disposed to accept it.

Question 39. Did any other person besides this man ask you if

you knew anything against this title, or have any other conversation with you in relation thereto?

Answer. I do not now remember that any other person has spoken to me about it.

Question 40. Were all the conversations you had with this man held at your room?

Answer. I do not remember to have seen him anywhere else, and all the conversations I mentioned were held at my room.

Question 41. Were those conversations had before or after you saw said grant in the office of the secretary of this commission?

Answer. The first conversation was before I saw it, and I told the man I would go and see the espediente in the case.

Question 42. Was any other person present at any of these conversations?

Answer. No; we were alone in all of them.

Question 43. Was this man a gray-headed man?

Answer. I do not remember.

Question 44. Have you, at any time within the past two weeks, gone with an interpreter to the office or place of business of a third person to talk about this case?

(This question objected to by claimant's counsel.)

Answer. I went with an interpreter to the office of General Wilson, and talked with him about the Limanton claim, but nothing was said to me about this case; and I have not been with an interpreter to any office to talk about this case.

Question 45. Do you know a man by the name of Crane?

Answer. I cannot say; the name is a strange one to me. I might know a man if I were to see him, and who has such a name?

Question 46. Did you ever, through an interpreter, in the presence of one or more persons, state that you knew this grant was never delivered, but must have been obtained by Santillan long after the occupation of the country by the Americans, and that you would testify to the fact for ten thousand dollars?

Answer. I have never said anything of the kind to any person or persons.

Question 47. Have you not, within the last ten days, been trying to raise money out of those who are opposed to this claim, and offered to come forward and testify to facts sufficient to destroy the claim, if they would raise a certain amount of money for you?

Answer. I have never tried to raise money from those opposed to the claim, nor offered to testify to facts to destroy it for any sum of money, small or great; and any one who will say such a thing, will state that which is false. I was offered ten thousand dollars to testify so that this claim would be destroyed, and I repeat it.

Question 48. Were you not requested to come here and testify, on the part of the government, to such facts as were in your

knowledge in reference to this claim, and did you not refuse to do so, unless you could receive therefor a pecuniary consideration?

Answer. I have never been so requested, and have never refused to come unless money were paid me. I was offered money, and refused it. The only request is that which I have stated.

Question 49. Have you, within a few days past, stated, in the presence of one or more persons, that yourself and two other persons did know of a number of fraudulent grants; that the two other persons had been murdered in consequence of their imprudence, and that if you told what you knew in relation to this grant, and remained in the country, you feared the same fate; but if you could get a few thousand dollars to enable you to leave the country, you would make a clean breast of it, or did you not in words to that effect?

(Question 49 objected to by claimant's counsel.)

Answer. I have never said anything of that kind, or any part of it, to any person.

Question 50. When did you first know that you were to be sworn as a witness in behalf of the claimant in this case?

Answer. Yesterday morning, about 9 o'clock, Mr. John Burie requested me to come and testify here, and I told him I would come and see about it. That is the first time I was spoken to by any one to testify in behalf of the claimant.

Question 51. Did you tell any one what you knew about this claim before you were sworn?

Answer. I did not.

Question 52. Did you tell any one what you would testify to?

Answer. No; I did not tell any one what I could or what I would testify to.

Question 53. Was any money paid to you or promised to you before you came to testify?

Answer. No; there was none paid to me or promised to me.

Question 54. Since the closing of your examination yesterday and the commencement of your examination here this morning was there paid or promised to you any money, property, scrip, or any other valuable consideration; or has such payment or promise been made to you at any other time?

Answer. No; I have neither been paid nor promised at any time any such things or consideration.

Question 55. Where were you and in whose company yesterday morning, up to the time your examination commenced?

Answer. I was in a room near here with Mr. Brodie. It was a public room, bar room, on the opposite side of the street, nearly opposite the building we are in.

Question 56. Why were you waiting there?

Answer. The commissioner was occupied taking other testimony, and we were waiting to get an opportunity to have my testimony

taken, and I had not breakfasted, and the lady then made me some tea.

Question 57. Where were you when you first learned that your testimony was wished yesterday?

Answer. I was at my room in the St. Francis Hotel.

Question 58. State where you were last evening after your examination of yesterday ceased?

Answer. I was passing around the streets in the evening, but after I left here I was at no particular place except at my hotel.

Question 59. Had you any particular appointment to meet any person from the close of your examination yesterday and the commencement of it this morning upon any particular business, or about any specified thing, or did you meet any one relative thereto?

Answer. No; I had no such appointment or meeting with any one about any particular thing.

Question 60. Did you, within that time last specified, have any conversation with any one about your testimony in this case?

Answer. No; I had none.

Question 61. How late in 1846 did Pio Pico act as president of the departmental assembly?

(This question objected to as irrelevant and new matter.)

Answer. I do not remember when the last session was. I believe it was the 10th of August; I am not certain.

Question 62. When did Pio Pico leave for Mexico, and did he act as such president until that time?

(Same objection as above.)

Answer. He left Los Angeles on the 10th of August, as near as I can recollect, and he acted till the end of the last session, which I think was at that time.

Question 63. Who was acting as secretary of the departmental assembly at the time that Commodore Stockton arrived at San Pedro?

(This question objected to by claimant's counsel.)

Answer. Don Agustin Olvera was the secretary then; I think it was about the 1st of August.

Question 64. How large was the book of entries you refer to in your answer to a question in chief yesterday?

Answer. It was a book of about the size of the paper on which this grant is written in this case; it had in it perhaps twenty sheets, and was not a bound book.

Question 65. Did said book purport to be a record of titles for 1845 and 1846?

Answer. Yes; it was the book of the registry of titles for those years.

Question 66. About how many titles do you think were registered in said book?

Answer. It is impossible for me to state.

Question 67. Were said titles registered in said book in the order of dates at which they were issued?

Answer. It was always customary, before delivering the titles to the interested party, to make an entry of them in the book.

Question 68. In whose handwriting were those entries made?

Answer. Often in the hand of the secretary himself, and sometimes in that of some clerk in the office.

Question 69. In whose handwriting was the entry of Padre Santillan's title made?

Answer. I cannot say positively, but, from what I recollect of it, I think it was in the handwriting of José Maria Covarrubias; I suppose so because he was secretary.

Question 70. Do you know where that book is?

Answer. I do not.

Question 71. Did you make any entries in said book as secretary?

Answer. I did.

Question 72. What did you do with the book when you left for Mexico?

Answer. It was put up with all the other archives, and I have not seen it since.

Question 73. Was this book made of stamped paper or common?

Answer. It was made of common paper.

Question 74. How was it labelled, if at all?

Answer. It was labelled "Libro ó conpeta de tornno de razon de titulas de terrenos, para 1845 and 1846." I think it was for both years.

Question 75. Did you ever see any other register of titles for 1845 or 1846 besides this one in said secretary's office?

Answer. I do not remember to have seen any other but this?

Question 76. In what part of this book was the entry Padre Santillan made?

Answer. I saw it among the top leaves of the book, which were the late entries. I remember seeing Padre Santillan's name, but that is all I remember about the entry.

JOSÉ MATIAS MORENO.

Subscribed and sworn to before me, this first day of December, A. D. 1854.

PETER LOTT,
Commissioner, &c.

Filed in office December 4, 1854.

(Signed,) GEORGE FISHER, *Secretary.*

JAMES R. BOLTON *vs.* THE UNITED STATES. } For the place called Mission Dolores, in the county of San Francisco, containing three square leagues.

The petitioner in this case claims title by virtue of a grant said to have been issued by Governor Pio Pico, on the 16th day of February, 1846, to one José Prudencio Santillan; also a deed from the said Santillan to the present claimant, dated the 11th day of April, 1850.

This grant differs in some respects from most of the grants that have come within our observation, and does not appear to have been issued under the provisions of the colonization laws of Mexico, but is a disposition under the secularization ordinance, and reserves from its operations all grants that may have been formerly made, and the church, grave yard, and the house of the padre; and is conditioned, also, that the grantee, Santillan, shall pay all the just debts that were at the time due from the mission to any person.

The deed from Santillan to the present claimant is duly authenticated, and the grant bears the genuine signatures of Pio Pico, governor, and of Covarrubias, the secretary of state at the time the said grant bears date.

But it is contended by the law agent that the grant was got up after the Americans had possession of the country, and after Pio Pico's power to grant lands in California had ceased, and that the same was antedated, and consequently void, which points will be duly considered. This case was prepared, on the part of the claimant and the government, for submission before the receipt of the decisions of the cases of Frémont *vs.* The United States and The United States *vs.* Ritchie, by the Supreme Court of the United States; in consequence of which, a large mass of testimony has been taken to endeavor to establish points in this case that have been settled by these decisions in favor of the claimant herein, to wit:

That of the powers of the governors of California, under the Mexican laws then existing, to grant mission lands, and the right of an Indian to alienate real estate, decided in the Ritchie case; and also the performance of condition subsequent, which has heretofore been held by this board, to attach by implication of law to all grants issued by the governors, whether the same were expressed in the grant or not, which is now entirely inapplicable, and will not be noticed in detail.

The fact that the grant was issued by Pio Pico, we think is settled beyond a doubt by the proofs; and the only points left in the case for our consideration is, whether the grant was executed after the powers of Pio Pico had ceased as governor of the province of California, and whether the same was antedated.

The production of the grant, and the proof of the genuineness

of the signature of the governor, with a deed from the grantee, establishes a *prima facie* case on the part of the claimant, and we will now proceed to the examination of the evidence bearing upon the point sought to be established by the claimant, and to cull from the voluminous mass of depositions as much as relates thereto.

Antonio Bujan, a witness for the government, says that he knew Santillan from the year 1845 to 1846. and that Santillan came to his house and told him that he was going to Mexico as soon as he could sell his rancho. Witness was surprised; he did not know he had a rancho, and asked him what rancho? Santillan replied, the Mission Dolores; that he had understood his title was below, and he was going after it.

Witness told him that it would come out some time. Santillan said there was nothing to fear, that he would arrange it, and that if a Moor had to be benefitted it was better that a Christian should have it.

Alfred A. Green, also a witness for the government, says that he had several conversations with Santillan about the land with a view of buying to speculate on it, and that after having three or four confabs with him, he got about the same answer, to wit, that he had no title, and could give none.

Francisco Rodriguez says that he had a conversation with Santillan in 1849 or 1850, on his return from the south, in which he said, after taking out a paper, in this is all my hopes; that a man was with him by the name of Poli.

Santillan said he was his attorney, and that witness could talk with him with the same confidence that he could with him, (Santillan,) because he was his attorney, and that was all he said about that; but he understood that the paper he showed was a title to the mission lands of Dolores, and that he had just got the paper on his trip. He is asked through whose influence he got the title; he said through the influence of Poli. He is asked what Santillan's circumstances were; says he was very poor, and that he said, I am now well off, and when you come that way you can make my house your home; sometimes when he passed my house I had to give him something.

On cross-examination he states the conversation quite different, and does not state the facts twice alike, and in none of his statements does he so shape it as to lead me to the conclusion that the inference which he drew from what he said was a correct one.

Certainly not from the statement he first makes of the conversations, which he says was all that Santillan said at the time, and that he never saw him after.

The witness did not read the paper, could not read or write, and knew nothing of its contents only from inference, and there is an evident willingness on the part of the witness, on his subsequent examination, to draw such inferences from the statements of Santillan as were indicated by the attorney in his interrogatories; and

to give his testimony all the weight that it can possibly be entitled to, it can amount to nothing more than a bare surmise that the paper was a title to the land in question.

The land was not mentioned, the word title was not mentioned, and the fact of its being a title rests entirely in the imagination of the witness. And even if it was true that the paper shown was the grant, the circumstances do not warrant the conclusion that it had been antedated.

Charles V. Stewart was acquainted with Santillan ; he had conversed with him about purchasing some lands, in which conversation Santillan said he could show him lands that he could take ; that he would not interfere with any one's rights, and he pointed out some of that kind, and it appears that the lands so pointed out were a part of the lands embraced in this claim.

This conversation was had between the witness and Santillan, neither understanding each other's language, but depending for its correctness upon the honesty of a third person who interpreted between the parties,the legal effects of which will be discussed hereafter.

Presentacion Miranda, a witness on the part of the government, in the fifth interrogatory is asked if she ever had any conversation with Santillan in relation to his having a title to the lands in question; in answer to which she says that Santillan told her that he was going to Santa Barbara to bring his title, and that was all the conversation she had with him in reference to his title; and this conversation was in the month of September, 1849.

In answer to sixth interrogatory she says that he spoke of his title several times ; talked of it in presence of her mother, and talked of giving her some land. In answer to the seventh interrogatory she says that he said he was going below to see if the lands could not be granted to him. In the eighth interrogatory she is asked at what time the conversation referred to took place ; in answer to which she says that it was in the month of November, 1849, on his return from below.

In answer to the eleventh interrogatory she says that on his return from below he said he had accomplished nothing. In answer to the twelfth and thirteenth interrogatories, she says that Santillan had a title and showed it to her and her husband on his return, and that was in the month of November, 1849.

In answer to the tenth interrogatory she says that the conversation took place at her mother's rancho. In answer to the fourteenth interrogatory she says that the conversation took place at the Mission.

The testimony of this witness is characterized with a regular chain of contradiction from the commencement to the end, and is not susceptible of being construed so as to establish an isolated point that is not contradicted by some other part of the deposition, and is entitled to no consideration whatever in the decision of this case.

Ambrose Moses, another witness of the government says that he knew the land in question, in the year 1846, and that there was no cultivation on any part of the place in that year, and no signs of cultivation. He is asked if he was acquainted with Jacob Hermann, and says he was, and that he came upon the place in 1847, in the spring. In answer to the ninth interrogatory he says that Hermann came there in the spring of 1846, and planted a garden and raised vegetables. In answer to the ninth interrogatory he says that it was in the year 1847 that Hermann came there.

He also says that he had a conversation with Santillan about purchasing some land there; that Santillan told him he claimed nothing but the grave yard and church buildings; and that this conversation was had through an interpreter by the name of Brown.

It is objected to, on the grounds of being heresay evidence, which objection will be considered hereafter; and his whole testimony is objected to, on account of interest on the part of the witness, he having been an adverse owner, and sold and taken a mortgage on the property for three thousand dollars, for the purchase money, which would be defeated by a confirmation of this title.

Adam Johnston testifies as to the delaration of Santillan that he had no title, but claimed for the church. This witness did not understand Spanish, and the conversation was had through an interpreter, and is subject to former objections as being hearsay. E. G. Buffum swears that he has listened to the evidence of the last named witness, and thinks it is substantially correct; and that he interpreted for the parties at the time referred to by the witness, but does not pretend to recollect the minutia.

I have endeavored, in the foregoing synopsis of the evidence, to give all that could have any bearing on the only point of discussion in the case. It has been culled from a great mass of irrelevant testimony, taken on the part of the government, without any reference to well established rules of law governing the application of testimony to establish legal facts.

But questions have been propounded to witnesses and answers given in all possible objectionable forms, the result of which is, that the records of this commission are unnecessarily encumbered with a mass of useless *trash*, and has rendered it an exceedingly difficult task to separate the facts that are really applicable to the points at issue.

All the testimony of O'Connor, Adam Johnston, Ambrose Moses, and Alfred Green, so far as they relate to declarations of Santillan, are clearly objectionable, on the ground of their being hearsay testimony, the witnesses speaking the English language and not understanding the Spanish language, and Santillan speaking the Spanish language, and neither understanding a

word that the other said, and all depending upon the honesty of an interpreter and his skill in the interpretation of the two languages.

The interpreters were not under oath, and under no obligation to interpret a word correctly from one to the other. It is not the best evidence that the nature of the case would admit. The interpreters themselves should have been introduced, and then we could have had an opportunity to determine as to their ability to interpret the two languages, and could have learned something of their character for truth and veracity. The pecuniary circumstances of Santillan have been called in question, in order to show that he had not the means of purchasing the property and paying for it; and several of the witnesses have stated that he was poor, and as evidence of the fact, they have stated that he was in the habit of receiving alms from the members of the church of which he was pastor.

We cannot see how this class of testimony can have anything to do with the case. It certainly does not raise even a presumption either way as to the circumstances of a pastor of a church, that he receives donations from the members of his church; so common is it, in fact, that hardly a sermon is preached but the audience is invited to contribute something to the support of the preacher, as a compensation for his services, irrespective of his ability, within his own means, to buy and pay for his bread and meat.

If this grant had been issued with a receipt of a large sum of money expressed upon its face, beyond the ability of the grantee to have paid down at the purchase, this class of evidence might have something to do in raising a presumption against the genuineness of the grant. But as the facts are, that the purchase was in consideration of after payments to be made to claimants of demands against the church, and the property itself furnishing the means to the purchaser to discharge the debts of the mission, we cannot see that it can be used as a circumstance by which any fraud could be presumed.

There is another branch of the testimony, coupled with the statements of Santillan, to the discredit of his title, which we will notice, and that is, his conduct in the disposition of the land, in treating it as the property of the church, (which is shown in the deposition of witness O'Connor,) which, if entirely unexplained, would raise a presumption against his title.

But the circumstances with which Santillan was surrounded and the character of the man, as established by the evidence, we think is calculated to remove all suspicions of the kind that will otherwise arise.

He is proved by the testimony to have been an exceedingly jealous man, and one who never was in the habit of disclosing his business affairs to even his most intimate acquaintances, and those

who knew him best barely knew him as the Padre, and knew nothing of his business affairs.

The country had just passed into the hands of a foreign power, the institutions of which he knew but little, and knew still less of what would be the extent of protection that would be given and extended by the incoming laws of a conquering nation to the rights of individuals. But by the proclamations of the commanding officers he did have assurances that the rights of the church, whatever they might be, should be especially respected. Americans were already taking possession of part of the land without his consent, and it is not at all strange that he should distrust their intentions of respecting his personal rights, and that he should conceal his real interests and claim the property for the church, hoping that its rights would be held more sacred and be less liable to disturbed.

We will now proceed to the further consideration of how far the oral declarations of Santillan, made to the discredit of his title, are to affect the interests of the present claimant when the claim is based on a grant to Santillan.

We think it is a settled question that the oral declarations of a grantee made in contradiction of the grant cannot be received in evidence to the discredit of the grant when the grant is produced and proven.

In support of which position I will quote from some of the authorities cited by the counsel. In the case of Day & Whittlesey *vs.* Bret & C. J. R., the court say the next point in the case is as to the acknowledgments of Henry Sherman.

These acknowledgments of the party as to title to real property are generally a dangerous species of evidence, and though good to support a tenancy or satisfy doubts in cases of possession, they ought not to be received as evidence of title. This would be to counteract the beneficial purposes of the statute of frauds. The extent of title transferred from Sherman to his daughter, and from her to O'Riley, rested upon higher evidence than upon parol proof of acknowledgments of the party. It rested upon the written assignments of the lease, and the legal evidence of the extent and effect of these assignments ought to prevail.

In the case of 4th Mass., R. 702, we find the following doctrine laid down: That the declaration of the grantee made at the time he occupied the lands, and when no controversy existed respecting it, which declarations were inconsistent with the claim or title of the grantee, were held inadmissible to defeat his title, even after the death of the grantee and the attesting witnesses. In Pennsylvania the same doctrine is held.—See 7 Sargent, 458.

In the case of Jackson *vs.* Vosburg, 7th J. R., 187, the same doctrine is fully recognized. Numerous other authorities are referred to which carry out the same doctrine, but we do not deem it necessary to quote further.

We will now recur again to the evidence on the part of the aimant, which may be considered in the light of rebutting evidence after a prima facia case is made out, and the genuineness of the grant attaching on the part of the defence.

José Maria Covarrubias testifies that he was the acting secretary of state for the department of California at the time the grant in question purports to have been issued; that he wrote the grant himself and attested the same officially, and that the signature of Pio Pico is genuine; that the grant was made and executed at the time and place that it purports to have been. W. A. Richardson swears that he knows that Santillan had the grant in the year 1846, but does not give the exact date.

Narciso Botello testifies that he was a member of the departmental assembly in the forepart of the year 1846, and knows that a grant to Santillan for the place in question was presented to that department for their approval.

José S. Berryesa testifies that he saw the grant in question in the year 1846, but does not know the exact time, but knows that it was before the Americans got possession of the country.

After ruling out so much of the evidence, as we feel bound to do, that has been taken on the part of the government, and is wholly inapplicable, we have no hesitancy in pronouncing this a valid claim; and, even under the most strict ruling of this board before the receipt of the opinions of the Supreme Court of the United States in the late cases of Frémont *vs.* the United States and the United States *vs.* Ritchie, we consider this case fully and clearly made out on the part of the claimant as to the points of inhabitancy and that of boundaries, as we think they are clearly established.

A decree will be entered herein confirming the claim.

Filed in office June 5, 1855.

(Signed) GEO. FISHER, *Secretary.*

Decree of confirmation.

JAMES R. BOLTON *vs.* THE UNITED STATES. } No. 81.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is valid, and it is hereby decreed that his application for a confirmation thereof be allowed.

The land, of which confirmation is hereby given, is situated in the county of San Francisco, and is bounded as follows, to wit: On the north by what was formerly known as Yerba Buena; on the northeast by the lands of Presidio of San Francisco, as they were known at the date of the grant; on the west by lands of Doñ

Franco. Haro; on the south by part of the Rancho of the Sanchez; and on the east by the Bay of San Francisco, containing three square leagues, more or less. Within said boundaries are exempt from the said decree the curate's house and the church of Dolores, and also all the lands that had been granted to individuals prior to the date of the grant to Santillan, the grantor to the present claimant. For more full description, reference will be had to the deposition of M. G. Vallejo and the map attached to this deposition, marked A, PL, and also the deposition of A. Van Dorn, with the field notes thereunto annexed; all of which constitute a part of the evidence in this case.

R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office June 5, 1855.

GEO. FISHER, *Secretary.*

Order.

And it appearing to the satisfaction of the board that the land hereby adjudicated is situated in the northern district of California, it is hereby ordered that two transcripts of the proceedings and decisions in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other be transmitted to the Attorney General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing seven hundred and forty-seven pages, numbered from 1 to 747, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said Board of the documentary evidence and of the testimony of the witnesses, upon which the same is founded, on file in this office, in case No. 81 on the docket of the said Board, wherein James R. Bolton is the claimant against the United States for the place known by the name of "Mission Dolores."

In testimony whereof I hereunto set my hand and affix my private seal (not having a seal of office) at San Francisco, California, this third day of November, A. D. 1855, and of the Independence of the United States of America the eightieth.

[SEAL.]

GEORGE FISHER, *Secretary.*

At a stated term of the district court of the United States of America for the northern district of California, held at the court-house in the city of San Francisco, on Friday, the seventeenth day of April, in the year of our Lord one thousand eight hundred and fifty-seven:

Present: The Honorable M. Hall McAllister, circuit judge; the Honorable Ogden Hoffman, district judge.

THE UNITED STATES, Appellant,
vs.
JAMES R. BOLTON, Appellee,

This cause came on this day to be heard upon the certified transcript of the proceedings and decision of the board of commissioners on private land claims in California, and of the papers and evidence on which the same are founded, and the pleadings in this court, and was argued by counsel; and thereupon, and in consideration thereof, this court is of opinion that there is no error in the decision of the said board of commissioners, and that the same should be and is hereby affirmed.

This court doth therefore adjudge, order, and decree, that the claim of the said James R. Bolton is valid, and that the same be and is hereby confirmed to him.

The land of which confirmation is hereby given is situated in the county of San Francisco, and is bounded as follows, to wit:

On the north by what was formerly known as "Yerba Buena;" on the northwest by the lands of the "Presidio of San Francisco," as they were known at the date of the grant; on the west by the lands of Don Francisco Haro; on the south by part of the Rancho of the Sanchez; and on the east by the bay of San Francisco, containing three square leagues, more or less.

Within said boundaries are exempt from the said decree the curate's house and the church of Dolores, and also all lands that had been granted to individuals prior to the date of the grant to Santillan, the grantor to the present claimant.

For more full description, reference to be had to the deposition of M. G. Vallejo, and the map attached to this deposition, marked "A, PL," and also the deposition of Aaron Van Dorn, with the field notes thereunto annexed, all of which constitute a part of the evidence in this case.

M. HALL McALLISTER,
Cir. Judge U. S.
OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed April 17, 1857.
JOHN A. MONROE, *Clerk*,
By W. H. CHEVERS, *Deputy.*

I, John A. Monroe, clerk of the district court of the United States for the northern district of California, do hereby certify the foregoing to be a full, true, and correct copy of the original now on file and remaining of record in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, this 18th day of April, A. D. 1857. [SEAL.]

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

At a stated term of the district court of the United States of America, for the northern district of California, held at the court-room in the city of San Francisco, on Monday the thirtieth day of November, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES vs. JAMES R. BOLTON. } No. 338. L. C. 81.

In this case, on the application of the United States attorney, P. Della Torre, esq., made in open court, it is ordered by the court that an appeal in behalf of the United States from the final decision of this court rendered in said cause at the December, 1856, term, be, and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions, and proceedings in said cause be sent to the Supreme Court of the United States without delay, and the appellants are ordered to serve the usual citation according to law.

Endorsed: Filed November 30th, 1857.

JOHN A. MONROE, *Clerk.*

I, W. H. Chevers, clerk of the district court of the United States for the northern district of California, do hereby certify the foregoing to be a full, true, and correct copy of the original now on file, and remaining of record in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, this twentieth day of March, A. D. 1858. [SEAL.]

W. H. CHEVERS, *Clerk.*

At a stated term of the district court of the United States of America, for the northern district of California, held at the court-room in the city of San Francisco, on Tuesday the 1st day of December, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, the Honorable Ogden Hoffman, district judge.